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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CONNIE ONELY,  
Plaintiff

v.

REDNER'S MARKETS, INC.  
Defendant

: CIVIL ACTION

:

:

: No. 21-cv-4785

:

:

: Assigned to: Wendy Beetlestone, J.

---

**EXHIBIT "D"**

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CONNIE ONLEY

Plaintiff,

VS.

: CIVIL ACTION  
: 2:21-cv-04785-WB

REDNER'S MARKETS, INC.

Defendant.

REMOTE videoconference deposition of

ALEXIS FOREMAN

held on Monday, June 27, 2022, beginning at approximately 2:08 p.m., before Robin A. Vance, CCR, RPR and Notary Public for New Jersey, Pennsylvania and Delaware.

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## Court Reporting Services

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Selbyville, Delaware 19975

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[Page 2]

A P P E A R A N C E S:

(ALL PARTICIPANTS WERE PRESENT REMOTELY)

KARPF, KARPf & CERUTTI, P.C.  
BY: ANDREW R. OLCESSE, ESQUIRE  
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-- Attorneys for the Plaintiff

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ALEXIS FOREMAN

[Page 3]

I N D E X

WITNESS	PAGE
ALEXIS FOREMAN	
BY MR. OLCESSE	5

EXHIBITS REFERENCED

No.	DESCRIPTION	PAGE
D-5	10/1/20 Statement - S. McGrory (KS000317-320)	56

ALEXIS FOREMAN

[Page 4]

1                   (It is agreed by and between  
2                   counsel that reading, signing,  
3                   certification and sealing are hereby  
4                   waived; all objections, except as to the  
5                   form of the questions, are reserved until  
6                   the time of trial.)

7                   COURT REPORTER: The attorneys  
8                   participating in this proceeding  
9                   acknowledge that I am not physically  
10                  present with the witness and that I will  
11                  be reporting this proceeding remotely.

12                  They further acknowledge that, in  
13                  lieu of an oath administered in person,  
14                  the witness will verbally declare that her  
15                  testimony in this matter is under penalty  
16                  of perjury.

17                  The parties and their counsel  
18                  consent to this arrangement and waive any  
19                  objections at this time.

20                  Counsel also acknowledges and  
21                  agrees that the official transcript is  
22                  solely the one transcribed by the court  
23                  reporter.

24                  Counsel, please indicate your

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KS - MSJ 0001001

ALEXIS FOREMAN

[Page 5]

1           agreement by stating your name and your  
2           agreement on the record beginning with  
3           Plaintiff's counsel.

4                   MR. OLCESE: Andrew Olcese for the  
5           plaintiff. I consent and agree.

6                   MR. ELLIOTT: Jeffrey Elliott for  
7           the defendant. I also consent and agree.

8                               -   -   -

9                   ALEXIS FOREMAN, having been duly  
10          sworn, was examined and testified as  
11          follows:

12                               -   -   -

13                               EXAMINATION

14                               -   -   -

15   BY MR. OLCESE:

16           Q.       Good afternoon again, Miss Foreman.  
17   My name is Andrew Olcese. I represent Connie  
18   Onley in a lawsuit against Redner's.

19                   First question, have you ever been  
20   part of a deposition before?

21           A.       Yes, I have.

22           Q.       Okay. So, starting with the most  
23   recent, when was the last time you were in a  
24   deposition?

ALEXIS FOREMAN

[Page 6]

1           A.       I believe it was approximately three  
2 or four years ago.

3           Q.       Okay. And did it involve your  
4 employment with Redner's?

5           A.       Yes, it did.

6           Q.       Okay. What position did you have with  
7 Redner's at that time?

8           A.       Director of employee relations.

9           Q.       And were you the plaintiff in any suit  
10 brought against Redner's as a result of that  
11 deposition?

12          A.       No, I was not.

13          Q.       Okay. So were you being deposed in  
14 the deposition you're describing as part of the  
15 defendant with Redner's?

16          A.       Correct.

17          Q.       Do you know the name of that  
18 plaintiff?

19          A.       Gretta Slough.

20          Q.       Can you spell the first and last name,  
21 please?

22          A.       To the best of my ability,  
23 G-R-E-T-T-A, Slough, S-L-O-U-G-H.

24          Q.       And to your understanding why was Miss

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ALEXIS FOREMAN

[Page 7]

1 Slough bringing a lawsuit against Redner's?

2 A. It was a harassment case.

3 Q. Can you be more specific in terms of  
4 what type of harassment?

5 A. Sure. Sexual harassment.

6 Q. Did Miss Slough allege any claims of  
7 gender discrimination against Redner's?

8 A. No.

9 Q. Do you know if this matter that you  
10 were involved in with a deposition was in federal  
11 court or state court?

12 A. If I recall correctly, it was state.

13 Q. Okay. Did this matter ever go to  
14 trial?

15 A. No.

16 Q. Okay. Do you know if it was dismissed  
17 before trial or just resolved?

18 A. I believe it was resolved.

19 Q. Okay. And to your understanding, why  
20 were you being deposed?

21 A. I took the initial complaint when  
22 my -- when the complaint came across, it was over  
23 a weekend. And at the time, I wasn't handling  
24 these types of matters -- matters, excuse me, and



ALEXIS FOREMAN

[Page 8]

1 my boss was on vacation at the time, so I took  
2 the complaint initially.

3 Q. Okay. And who was your boss at the  
4 time that was on vacation?

5 A. Robert McDonough.

6 Q. So you received the complaint and then  
7 to your knowledge, that's why you were being  
8 deposed?

9 A. Yes.

10 Q. Okay. And during this deposition,  
11 what did you testify about generally?

12 A. The nature of the complaint.

13 Q. Okay.

14 A. Her report.

15 Q. So did Miss Slough during her  
16 employment complain and bring those complaints to  
17 your attention?

18 A. Yes, she did.

19 Q. Okay. And did she complain sexual  
20 harassment allegations against a certain  
21 individual?

22 A. Yes.

23 Q. Is that individual still employed with  
24 Redner's?

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ALEXIS FOREMAN

[Page 9]

1 A. No, he is not.

2 Q. Can you identify that individual?

3 A. I can't recall his last name. I know  
4 his first name is Jeff and he is no longer  
5 employed.

6 Q. Okay. And what store did Miss Slough  
7 and Jeff work at where these allegations of  
8 harassment occurred?

9 A. The Fredericksburg store location.

10 Q. Okay.

11 MR. ELLIOTT: Fredericksburg,  
12 Pennsylvania?

13 THE WITNESS: Yes.

14 BY MR. OLCESE:

15 Q. Okay. Do you know if Mr. Karl  
16 Michener was ever deposed as part of the  
17 complaint for Miss Slough?

18 A. He was not.

19 Q. Okay. Do you know if Sandra McGrory  
20 was part of the complaint against -- from Miss  
21 Slough?

22 A. She was not.

23 Q. All right. Other than that issue with  
24 Miss Slough where you were deposed, have you ever

ALEXIS FOREMAN

[Page 10]

1     been a part of any other depositions?

2           A.       I have not.

3           Q.       Okay. So I'm correct this would be  
4     your second deposition?

5           A.       Correct.

6           Q.       All right. Okay. So just to remind  
7     you because it's been at least three to four  
8     years, and I'm sure you already know, but this is  
9     pretty much a question-and-answer session. It's  
10    an opportunity for me, on behalf of Miss Onley,  
11    to find out what you know regarding her  
12    employment and separation from Redner's. Okay?  
13    So with that being the case, we're obviously  
14    conducting this remote. You and I can see each  
15    other, but everything that's being said is being  
16    typed down by the court reporter. So what that  
17    means is even though I can see you, all of your  
18    responses to my questions need to be answered  
19    verbally. So if you give me a head nod or a head  
20    bob to a question that can be answered in a yes  
21    or no, I'm going to ask you, is that a yes or no,  
22    just so Robin can write it down. Okay?

23          A.       Correct, understood.

24          Q.       Also, if you answer with like uh-huhs

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ALEXIS FOREMAN

[Page 11]

1 or uh-uhs, even if I understand what you're  
2 saying, I'm going to ask if that's a yes or no so  
3 Robin can write it down. Okay?

4 A. Okay.

5 Q. Biggest thing, and you're do a good  
6 job so far and I'll try to keep doing a fair job  
7 of it, only one person can speak at a time so  
8 that Robin can really type down everything  
9 clearly. So with that being the case, I'm going  
10 to ask you to refrain from responding and  
11 answering my questions until I fully get out the  
12 question, even if you know what's going to be  
13 asked. Okay?

14 A. Okay.

15 Q. And I'll try to do my best to give you  
16 as much time as you need to response in any way  
17 you feel appropriate before I go on to the next  
18 question. All right?

19 A. Understood.

20 Q. If you need to take a break at any  
21 point, to use the restroom, to stand up and  
22 stretch or get a bite to eat, perfectly fine, let  
23 me know. The only thing I ask is if there's a  
24 question pending, that you answer it before we

ALEXIS FOREMAN

[Page 12]

1 take a break. Okay?

2 A. Okay.

3 Q. At certain points your counsel Jeff  
4 might make objections to my questions. Even if  
5 he objects, you still need to answer my questions  
6 unless he explicitly tells you to not answer my  
7 question. Is that understood?

8 A. Understood.

9 Q. All right. If at any point I ask a  
10 question that you don't understand, you want me  
11 to reword it or clarify, please let me know, I'm  
12 happy to. Sometimes it might just come out a  
13 little jumbled in my mouth, so I'm happy to  
14 clarify anything. The only thing is, though, if  
15 you answer my question, I'm going to assume that  
16 you understood what was being asked. Okay?

17 A. Okay.

18 Q. All right. Do you have any questions  
19 at all?

20 A. Not at this time.

21 Q. Okay. Miss Foreman, are you on any  
22 medication today that would inhibit your ability  
23 to recall past events?

24 A. No.

ALEXIS FOREMAN

[Page 13]

1 Q. Is there any reason that you can think  
2 of that you will not be able to answer my  
3 questions fully and truthfully today?

4 A. No.

5 Q. All right. Great. Can you please  
6 state your full name for the record?

7 A. Alexis Foreman.

8 Q. Are you known by any other names or  
9 maiden names?

10 A. Alexis Hill Foreman.

11 Q. And what is your current home address?

12 A. 247 Preston Road, Warnersville, PA  
13 19565.

14 Q. Okay. And what, if anything, have you  
15 done to prepare yourself for today's deposition?

16 A. I reviewed all the information on  
17 file, the EEOC complaint, our position statement,  
18 and the civil complaint as well.

19 Q. Other than reviewing the EEOC  
20 complaint, the civil complaint, and the EEOC  
21 response statement from Redner's, did you review  
22 anything else?

23 A. I -- the employment file, Connie's  
24 employment file, Connie Onley.

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[Page 14]

1 Q. And when did you review all these  
2 documents?

3 A. Friday, Saturday, Sunday, and a little  
4 bit today.

5 Q. When did you review them today?

6 A. When did -- I'm sorry, I didn't hear  
7 you. When did I review them tonight?

8 Q. Today, yes.

9 A. In between other issues at work.

10 Q. Okay. Did you speak with anyone about  
11 preparing for today's deposition?

12 A. I spoke to Jeff Elliott.

13 Q. Anyone else?

14 A. No.

15 Q. Did you talk to Karl Michener about  
16 your deposition today?

17 A. I did not.

18 Q. Did you talk to Sandra McGrory about  
19 her deposition?

20 A. No, I did not.

21 Q. Okay. I apologize, I ask everyone  
22 this question who I depose. Have you ever been  
23 convicted of a crime?

24 A. No, I have not.

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[Page 15]

1 Q. All right. You're currently employed  
2 at Redner's, Miss Foreman?

3 A. Yes.

4 Q. And what is your current position?

5 A. Director of employee relations and  
6 assistant vice president of human resources.

7 Q. Okay. Just to clarify, director of  
8 employee relations and assistant VP of human  
9 resources, is that two positions that you hold  
10 now?

11 A. Essentially, I guess you could say  
12 that.

13 MR. OLCESSE: Off the record.

14 (Discussion held off the Record.)

15 BY MR. OLCESSE:

16 Q. I notice that when you spoke about  
17 your previous deposition about three to four  
18 years ago, you stated your position was director  
19 of employee relations. So is the assistant VP of  
20 HR something within the last three or four years  
21 that you obtained?

22 A. Yes.

23 Q. Okay. When did you become assistant  
24 VP of HR?



ALEXIS FOREMAN

[Page 16]

1           A.       I don't recall exactly the date. I  
2 would say somewhere within that timeframe, and it  
3 has to be at least three years now --

4           Q.       At least three years?

5           A.       Yes.

6           Q.       And I apologize, I didn't mean to cut  
7 you off. If I did, was there something else you  
8 wanted to say?

9           A.       I was going to say I could be -- I  
10 could have misspoke on the Gretta Slough. It  
11 could have been five years ago. I truly can't  
12 remember. It was a while ago.

13          Q.       Understood. But fair to say you have  
14 held the roles of director of employee relations  
15 and assistant VP of HR for at least three years?

16          A.       Absolutely, yes.

17          Q.       Certainly through 2020, correct?

18          A.       Yes.

19          Q.       Okay. When did you start working for  
20 Redner's?

21          A.       Full time? When I graduated from  
22 college in 1997.

23          Q.       And when you started full time 1997,  
24 what was that first position you were hired into?

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ALEXIS FOREMAN

[Page 17]

1           A.       I was hired as an assistant director  
2   of recruiting in training and education.

3           Q.       And when did you become director of  
4   employee relations?

5           A.       Five or ten years ago, somewhere in  
6   that timeframe.

7           Q.       Okay. And like you're doing already,  
8   obviously some things I'm talking about that are  
9   multiple years ago, I'm going to soon get  
10   hopefully more recent, but as best you can, try  
11   to approximate and narrow down. You know,  
12   obviously I understand if you can't remember  
13   certain days, but even like the year might be  
14   helpful. Okay?

15          A.       Okay.

16          Q.       When you became director of employee  
17   relations between 2010 and 2015 approximately,  
18   where did you work?

19          A.       Out of the corporate office.

20          Q.       And where is that corporate office?

21          A.       In Maiden Creek, Pennsylvania.

22          Q.       And have you worked out of Maiden  
23   Creek, PA, the corporate office, since at least  
24   2015?

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KS - MSJ 0001014

ALEXIS FOREMAN

[Page 18]

1 A. Yes.

2 Q. Okay. Since that time you've never  
3 worked personally within a store location,  
4 correct?

5 A. No.

6 Q. Okay. Narrowing the time a little  
7 bit, so I want to focus on second half of 2020 to  
8 the present. As part of your practice as  
9 director of employee relations or assistant VP in  
10 human resources, do you travel to the store  
11 locations?

12 A. Yes, I do.

13 Q. Okay. How often do you travel to  
14 store locations?

15 A. At the minimum, probably six times a  
16 year at the very minimal. And the reason I say  
17 that is we have weekend duty and we're scheduled  
18 five to six weekends a year, which is visiting a  
19 number of locations throughout the weekend.

20 Q. Okay. Currently how many store  
21 locations does Redner's have?

22 A. We have 45 supermarkets, 12  
23 convenience stores, five pharmacies, and maybe  
24 eight to 10 kiosks which are like gas stations in

ALEXIS FOREMAN

[Page 19]

1 front of the store locations.

2 Q. Okay. So, am I correct that all those  
3 locations you just described, you try to travel  
4 to each one six times per year?

5 A. No, we have designated regions that  
6 we're assigned to based on the weekend.

7 Q. Okay. So currently, what is the name  
8 of your region that you are assigned to?

9 A. I have the entire company.

10 Q. Okay. So do you travel to all the  
11 supermarkets and kiosks and pharmacies that you  
12 described, each location six times per year, or  
13 do you get to choose which of that total you make  
14 six visits per year?

15 A. I make six visits per year and again,  
16 that's a minimum. That's just weekend duty. I  
17 typically go beyond that. But the way the  
18 weekends works is there's typically five to six  
19 supervisors on and we select a number of stores.  
20 It could be six or eight stores a day and we go  
21 Saturday, and then we pick a different six to  
22 eight stores on a Sunday.

23 Q. And generally when you're visiting  
24 these stores, like you said, six to eight per

ALEXIS FOREMAN

[Page 20]

1 day, what is the purpose of it?

2 A. So, purpose changed since COVID.

3 Prior to COVID we would help with deliveries or  
4 add-on products. Since then, it has become store  
5 visits, making sure the operations and the store  
6 overall, the presentation is good. If there are  
7 any -- I'm obviously an HR person, so I don't  
8 focus as much on the operation side. However,  
9 that -- I still do have to complete store reports  
10 with each store and evaluating the overall store.  
11 And then if there's any specific needs, personnel  
12 needs or employee relations issues, we will  
13 discuss it at that time.

14 Q. Is it fair to say that the major  
15 purpose or the main purpose of you visiting these  
16 stores goes towards more your position as  
17 director of employee relations rather than as the  
18 assistant VP of HR?

19 A. Not necessarily.

20 Q. Okay.

21 A. It's really all-encompassing.

22 Q. Okay. But is the purpose for like a  
23 human resources approach where you're reaching  
24 out to your employees?

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ALEXIS FOREMAN

[Page 21]

1           A.       Some of the -- yes, that is part of  
2     the weekend visit for sure.

3           Q.       Okay. All right. And in your roles  
4     currently, who do you report to?

5           A.       Robert McDonough, who is the vice  
6     president of human resources.

7           Q.       Anyone else?

8           A.       He's my -- he would be the one I would  
9     say I would report to.

10          Q.       When did you start reporting to  
11     Mr. McDonough?

12          A.       My entire career, he was always my  
13     boss.

14          Q.       Okay. Have your job duties changed  
15     since October of 2020?

16          A.       No.

17          Q.       Other than the store visits we just  
18     talked a little bit about, can you generally  
19     describe what are your job duties in your current  
20     roles?

21          A.       Overseeing the human resource  
22     department as a whole, payroll duties, benefits  
23     management. I oversee the benefits. Any type of  
24     employee conflict, employee engagement. Any type

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ALEXIS FOREMAN

[Page 22]

1 of issue, typically I handle most of them.

2 Q. Okay. When you said benefits, am I  
3 correct that part of your job duties are also  
4 administering any employee request for family  
5 medical leave or short term disability leave?

6 A. Yes, I -- I oversee that process. We  
7 have a benefits manager that handles that.

8 Q. Okay. You oversee the benefits  
9 manager that would administer FMLA or short term  
10 disability?

11 A. Correct.

12 Q. And employee engagement, we talked  
13 about also with discipline. When there's ever an  
14 occasion where an employee is going to be  
15 issued discipline, do you have to be made aware  
16 of that before the discipline is issued?

17 A. Not necessarily. It depends on the  
18 severity of the issue.

19 Q. Okay. So to your understanding, can a  
20 store director issue discipline to an employee  
21 without consulting with you?

22 A. On some situations, yes.

23 Q. Okay. What -- an example, what are  
24 situations a store director can do that versus

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ALEXIS FOREMAN

[Page 23]

1 those they cannot?

2 A. I would -- an example would be if  
3 someone were absent from work on a regular basis,  
4 and our handbook states more than one absence per  
5 month is considered excessive. They would not  
6 have to ask me to write someone up for excessive  
7 absenteeism.

8 Q. Okay. And what's an example of some  
9 kind of infraction they would need to contact you  
10 for and get consultation on?

11 A. Performance-related issues,  
12 harassment-related issues, any type of complaint,  
13 they usually seek advice on those matters.

14 Q. Now, just to clarify, you say they  
15 usually seek advice, meaning the store directors,  
16 but that's not the same as they have to. So is  
17 it your understanding per Redner's policy that a  
18 store director looking to discipline an employee  
19 for harassment-related reasons,  
20 performance-related reasons, do they need to  
21 consult with you before doing so?

22 A. Harassment, yes. Performance-related,  
23 not necessarily.

24 Q. And is it your understanding that the



ALEXIS FOREMAN

[Page 24]

1 store directors can make the decision to  
2 terminate an employee without consulting with you  
3 first?

4 A. No.

5 Q. Okay. So every employee termination  
6 has to go through your office; is that right?

7 A. Correct.

8 Q. And then am I correct that you make  
9 the decision if an employee will be terminated or  
10 not?

11 A. Myself and my boss, Bob McDonough, and  
12 Randy Kostelac. The three of us are capable of  
13 making those decisions.

14 Q. Okay. The second individual, you said  
15 Randy, what's this person's last name?

16 A. Kostelac. K-O-S-T-E-L-A-C.

17 Q. And what is his position?

18 A. Director of training and education.

19 Q. And do you have the ability to  
20 terminate an employee without first consulting  
21 with either Mr. Kostelac or Mr. McDonough?

22 A. I do.

23 Q. Okay. All right. But to your  
24 understanding, if a store director was consulting

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ALEXIS FOREMAN

[Page 25]

1 with human resources to make a recommendation  
2 whether an employee should be terminated or not,  
3 they have to go through either yourself,  
4 Mr. McDonough or Mr. Kostelac?

5 A. Correct.

6 Q. Okay. When is the last time you had  
7 visited the Audubon store location?

8 A. I believe the last weekend I worked,  
9 which was a month ago.

10 Q. Okay. Prior to that visit, when was  
11 the next most recent time to Audubon?

12 A. It was within a few months.

13 Q. Okay. So, fair to assume every couple  
14 of months you're at least making your rounds to  
15 most, if not all the stores?

16 A. Correct.

17 Q. So did you ever visit Audubon in 2020?

18 A. Yes.

19 Q. Okay. All right. Then I presume  
20 during her employment, you had the opportunity to  
21 meet Miss Onley?

22 A. I've met Miss Onley, yes.

23 Q. I understand that she worked for  
24 Redner's for a few years prior to her separation.

ALEXIS FOREMAN

[Page 26]

1 Do you know when she started working for  
2 Redner's?

3 A. October 2017.

4 Q. And were you part of her hiring at  
5 all?

6 A. I was not.

7 Q. You didn't interview her, correct?

8 A. Correct.

9 Q. Okay. And I understand she started  
10 working at the Lansdale location?

11 A. Yes.

12 Q. When do you recall meeting Miss Onley  
13 for the first time?

14 A. I believe it was around March of 2019.

15 Q. And this encounter where you met Miss  
16 Onley in March of 2019, was it, for lack of a  
17 better term, by chance because it was just a  
18 visit you were making to the store or was there a  
19 specific reason you were going to meet her?

20 A. It was a scheduled meeting.

21 Q. What was that scheduled meeting about?

22 A. Store director Steve DiGiorgio reached  
23 out to me, saying that there was some ongoing,  
24 how would I put it, ongoing concern between Dave

ALEXIS FOREMAN

[Page 27]

1 Goodman and Connie Onley, and that she is  
2 struggling to work with him amicably,  
3 essentially. And he had told me that they had  
4 met before and he was seeking my advice and asked  
5 for me to come to the store for a meeting.

6 Q. Okay. And Dave Goodman, it's my  
7 understanding he is the meat department manager  
8 at the Lansdowne location as of this time that  
9 we're talking about?

10 MR. ELLIOTT: Object to form. Go  
11 ahead, you can answer.

12 THE WITNESS: Yeah, I don't know if  
13 he is a manager at this time honestly. I  
14 know at the time he was not.

15 BY MR. OLCESE:

16 Q. Oh. What position then did  
17 Mr. Goodman hold as of March 2019?

18 A. He was a meat cutter.

19 Q. Okay. But Mr. DeGeorgio was the store  
20 director at Lansdale?

21 A. Yes.

22 Q. Okay. And did Mr. DeGeorgio go into  
23 any more specifics about why Miss Onley and why  
24 Mr. Goodman, as you say, were not working

ALEXIS FOREMAN

[Page 28]

1 amicably?

2 A. I don't recall specifically. I think  
3 it had more to do with performance issues.

4 Q. Was it your understanding that at this  
5 time Mr. Goodman was Miss Onley's supervisor?

6 A. The store manager, Mr. Ciaccio would  
7 have been her direct report. On his days off it  
8 would have been Dave Goodman.

9 Q. You said Mr. Ciaccio. I thought it  
10 was Mr. DeGeorgio who was the store director.

11 A. Her direct report would be her meat  
12 manager. That would be her direct report. The  
13 next level would be the store director.

14 Q. Okay. And who was her direct report,  
15 the department manager?

16 A. Mr. Ciaccio.

17 Q. Do you know how to spell that?

18 A. I believe it's C-I-A-C-C-I-O.

19 Q. Okay. And was Mr. Ciaccio, was he a  
20 part of the meeting when you arrived in March of  
21 2019?

22 A. He was.

23 Q. Okay. So who participated in that  
24 meeting?

ALEXIS FOREMAN

[Page 29]

1           A.       Myself, Dave Kehm, who was a meat  
2       supervisor, Steve DeGeorgio, and Connie Onley, as  
3       well as Dave Goodman.

4           Q.       And what was discussed?

5           A.       Initially I had brought Connie in. I  
6       wanted to meet her and get an understanding of  
7       her complaints. And at that time, she discussed  
8       with me she felt that she was being mistreated  
9       because she was female and that Dave was treating  
10      her differently.

11          Q.       Did she give examples or descriptions  
12      of how she believed she was being treated  
13      differently because she was female?

14          A.       She was stating, if I recall  
15      correctly, he was not happy with her performance  
16      and was pointing out errors she was making, and  
17      that no one else was getting these errors pointed  
18      out to them, and she felt that it was because she  
19      was female. And he would raise his voice and get  
20      frustrated with her.

21          Q.       Okay. And did she express the errors  
22      that were being pointed out to her regarding her  
23      performance that was being presented to her by  
24      Mr. DeGeorgio?

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KS - MSJ 0001026

ALEXIS FOREMAN

[Page 30]

1 A. I'm sorry.

2 Q. Or Mr. Goodman?

3 A. These errors were being pointed out to  
4 her by Mr. Goodman.

5 Q. Okay. And she was expressing to you  
6 in this meeting, at least, you know, initially,  
7 that she felt that this was unfair based on  
8 Mr. Goodman's actions?

9 A. Based on what he was saying to her and  
10 trying to correct.

11 Q. Okay. Okay. And then after speaking  
12 with her, is that where all the other -- excuse  
13 me -- all the other participants came in and you  
14 guys had a meeting about what was discussed?

15 A. Steve DeGeorgio and Dave Kehm were  
16 present with the meat manager Anthony Ciaccio  
17 during that initial conversation with Miss Onley.  
18 After I understood her complaint, I asked her if  
19 she would be comfortable if we brought Dave back  
20 to discuss it because I felt like it was  
21 something that we could work out. And she agreed  
22 to that.

23 Q. Okay. And then what happened when you  
24 brought Mr. Goodman in to participate as well?

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ALEXIS FOREMAN

[Page 31]

1           A.       He admitted that he had raised his  
2 voice and confronted her about errors she was  
3 making. I did not -- based on his explanation,  
4 he was merely pointing out her errors and  
5 expiration dates, you know, coding with the meat  
6 wrapper and the labels. He also wasn't happy  
7 that she spent a lot of time on the floor talking  
8 to customers. And those behaviors is what he was  
9 trying to correct. We came to the conclusion  
10 that probably he could have used a better  
11 technique to conversate that with her. He seemed  
12 to get loud. However, at that time he said it  
13 was never anything based on her gender. It was  
14 just merely he wanted to correct the behavior  
15 because it was a busy department and he was  
16 getting frustrated by her errors.

17          Q.       So, after meeting that you just  
18 described, was Mr. Goodman ever issued any form  
19 of discipline as a result of that meeting?

20          A.       No, he was not.

21          Q.       And was Miss Onley ever issued any  
22 form of discipline for bringing that complaint to  
23 your attention?

24          A.       No, she was not.

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ALEXIS FOREMAN

[Page 32]

1           Q.       Okay. So after that conversation that  
2 we just described, was there anything else done  
3 on your end as part of any investigation into  
4 Miss Onley's complaints?

5           A.       At that time it wasn't necessary. The  
6 way the meeting ended was that they understood --  
7 had a better understanding of each other and  
8 where each of them was coming from; meaning Dave  
9 understood how Connie was feeling, the way he  
10 tried to correct the behavior was not comfortable  
11 with her, and he understood that and he realized  
12 he could do better. She appreciated that. And  
13 they basically shook hands and said, let's move  
14 forward, we can -- we don't have to like each  
15 other but we can work together amicably. And  
16 that was the agreement.

17          Q.       Understood. Okay. And the next few  
18 months from March of 2019 until approximately  
19 October of 2019, did you ever come to learn of  
20 any other complaints or issues from Miss Onley at  
21 the Lansdale location?

22          A.       No.

23          Q.       Did you ever come to learn of any  
24 complaints or issues from March of 2019 until

ALEXIS FOREMAN

[Page 33]

1     October of 2019 about Miss Onley?

2           A.       No.

3           Q.       From anyone else, is what I'm asking.

4           A.       No.

5           Q.       Okay. So your understanding was after  
6     that meeting, discussing everything out, that  
7     nothing further happened regarding her complaints  
8     at Lansdale, correct?

9           A.       Correct.

10          Q.       All right. After that meeting, did  
11     you ever return and visit Lansdale while Miss  
12     Onley worked there?

13          A.       I'm sure I did.

14          Q.       Okay. Can you remember specifically  
15     between March and October of '19, 2019, whenever  
16     that may have occurred?

17          A.       No. I would assume on one of my  
18     weekend visits at the very least.

19          Q.       Do you remember, though, any of those  
20     weekend visits, if you, you know, made an effort  
21     to speak to Miss Onley if she was working, to  
22     kind of follow up with her to see how she was  
23     doing?

24          A.       I always walk through the store and

ALEXIS FOREMAN

[Page 34]

1 make sure I greet everyone in the store as best I  
2 can, yes. I don't recall seeing her, no, or  
3 having a conversation.

4 Q. You don't remember having like a  
5 follow-up conversation with Miss Onley after the  
6 meeting in March, correct?

7 A. Correct.

8 Q. Okay. All right. And then I  
9 understand that around October 2019, Miss Onley  
10 was transferred from Lansdale to the Audubon  
11 location, correct?

12 A. Correct.

13 Q. And that's when the Audubon location I  
14 believe was opening?

15 A. Correct.

16 Q. How did it come to be that Miss Onley  
17 transferred to Audubon, to your knowledge?

18 A. I got an e-mail from the store from  
19 Steve DeGeorgio, from the store, suggesting that  
20 Connie Onley became aware of the new fresh  
21 market. It was very inviting for people, it was  
22 something exciting and new for us. We  
23 communicated that throughout the company. And  
24 she was always very good at customer service and

ALEXIS FOREMAN

[Page 35]

1 we were -- our culture, we were shifting our  
2 culture to really focus on that with this new  
3 store. And she requested to transfer to the meat  
4 department. We had a lot of specialties and the  
5 seafood is where she wanted to go. So she  
6 requested that. And typically those requests  
7 have to be approved by HR as well as the meat  
8 supervisor, Dave Kehm, to make sure that we have  
9 the adequate staffing. And both of us  
10 immediately said she'd be perfect and we agreed  
11 with the transfer.

12 Q. So when you say we agreed, does that  
13 mean specifically yourself and Mr. Kehm approved  
14 that transfer?

15 A. Correct. And Randy Kostelac is  
16 involved with staffing for new stores, the  
17 director of training and education, so we also  
18 asked his advice and he agreed to it as well.

19 Q. Did you have to consult with anyone  
20 else at the Lansdale location to get their input  
21 or feedback about the transfer request?

22 A. Yes, absolutely. I talked to Steve  
23 because we don't -- what we consider is we don't  
24 want to transfer a problem. So if there is an

ALEXIS FOREMAN

[Page 36]

1 individual who has been excessively disciplined  
2 or has, you know, absenteeism issues, things like  
3 that, I just wanted to make sure she was doing  
4 well in the department and he said everything's  
5 been fine and I think she'd be great. So, with  
6 that, we all agreed that she should be  
7 transferred.

8 Q. And did you ever come to learn while  
9 working at Lansdale whether or not Miss Onley  
10 had, as you say, a discipline problem or a  
11 history of receiving discipline?

12 A. At Lansdale she did not.

13 Q. Okay. And as part of that transfer,  
14 did you consult with any of the new members of  
15 management that would be stepping in at the  
16 Audubon location about her request?

17 A. No.

18 Q. Okay. So the management that was put  
19 in place at Audubon for its opening, they had no  
20 say whatsoever on who, including Miss Onley,  
21 would be transferred to that location?

22 A. No.

23 Q. Okay. When Miss Onley was transferred  
24 to the Audubon location, I understand she still

ALEXIS FOREMAN

[Page 37]

1 worked in the meat department as a meat wrapper.  
2 On any of your weekend visits or any other  
3 visits, do you recall going to visit and speak  
4 with Miss Onley?

5 A. I don't recall specifically. What I  
6 can say is if I did see her, I didn't have an  
7 all-out conversation. I would have just said  
8 hello, how are you doing today. That's typically  
9 what I do unless I'm confronted with something,  
10 which I was not.

11 Q. Do you remember at any point from  
12 October 2019 until October '20, visiting the  
13 Audubon location specifically because you had to  
14 meet with Miss Onley?

15 A. I did not do that, no.

16 Q. And I understand that during their  
17 time working at the Audubon location, you came to  
18 learn of a number of occurrences related to Miss  
19 Onley's health that were concerning to some  
20 members of management; is that right?

21 A. Yes.

22 Q. Just -- the volume was low; was that a  
23 yes or a no?

24 A. Sorry, that was a yes.

ALEXIS FOREMAN

[Page 38]

1 Q. No problem. So when is the first time  
2 you came to learn anything about Miss Onley's  
3 health while working at the Audubon location?

4 A. I would say late May, early June of  
5 2020. I received an e-mail correspondence from  
6 Mr. Michener.

7 Q. And what did that e-mail  
8 correspondence say?

9 A. He had just been concerned with her  
10 health at that time.

11 Q. Did he describe what was going on or  
12 why he had concerns about her health?

13 A. I know he talked about blackout. I  
14 don't know if it was in that first e-mail or that  
15 came later in August. I can't recall. But I  
16 know that there were some issues initially -- oh,  
17 you know what, I remember now.

18 So in -- I'm sorry. In late May,  
19 early June, it was during COVID and she was  
20 experiencing a lot of absenteeism if she was --  
21 due to her not feeling well. And he -- and we  
22 had a COVID protocol where, you know, if you had  
23 COVID, there was specific guidelines you had to  
24 follow. But if you had any type of illness, you

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ALEXIS FOREMAN

[Page 39]

1 had to be symptom and fever-free for 24 hours  
2 upon returning. And he was worried that he would  
3 have to put a COVID form in for her, but it was  
4 something separate and he was asking how to  
5 handle that. That was the initial e-mail.

6 Q. Okay. And during the onset of the  
7 COVID-19 pandemic, I'll say around March 2020,  
8 Redner's stayed open obviously because it's a  
9 necessary grocery store, correct?

10 A. Correct.

11 Q. Did you ever come to learn, or  
12 Mr. Michener share with you, that the health  
13 concerns Miss Onley was suffering from were  
14 related to her hypertension and high blood  
15 pressure?

16 A. I do recall that, yes.

17 Q. Did he tell you that in the e-mail or  
18 do you remember him informing you of that some  
19 other means, maybe on the phone?

20 A. I believe it was over the phone. I  
21 don't know that that was ever sent in e-mail.

22 Q. Okay. But you two would have  
23 discussions over the phone where it sounds like  
24 he would reach out to you for consultation on

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ALEXIS FOREMAN

[Page 40]

1 what to do to address her health concerns?

2 MR. ELLIOTT: Object to the form.

3 BY MR. OLCESE:

4 Q. You can answer.

5 A. Yes, that's correct.

6 Q. Okay. And during these discussions  
7 with Mr. Michener, was the subject of the  
8 discussion pretty much how to accommodate Miss  
9 Onley if she needed to take like a leave of  
10 absence from work?

11 MR. ELLIOTT: Object to the form.

12 THE WITNESS: I can answer?

13 MR. ELLIOTT: Yes.

14 THE WITNESS: Sorry. So, it -- the  
15 way the conversations went is that we were  
16 concerned with her overall health and that  
17 we thought if she is experiencing health  
18 issues, would it make sense for her to  
19 take an FMLA. If she's missing time, she  
20 has -- potentially could lose her job if  
21 she misses too much time according to our  
22 handbook. So that the FMLA would be  
23 there, so if she needed to take time off  
24 to get herself healthy, it would be an

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ALEXIS FOREMAN

[Page 41]

1 approved leave, she would be eligible for  
2 pay, things like that.

3 So I had asked Mr. Michener to  
4 communicate that to her. Some employees  
5 don't know that they would be eligible for  
6 this and how FMLA works. Her response was  
7 she didn't want to take it, she liked  
8 coming to work, she would be lonely.  
9 Unfortunately her husband passed and this  
10 was her main focus. And so the agreement  
11 was that if you need time or to work  
12 around doctors schedules, we'll do  
13 whatever you need to do. But beyond that,  
14 there were no requests for accommodations.

15 BY MR. OLCESSE:

16 Q. So she never requested time off from  
17 work either, for instance, under the FMLA or  
18 maybe like short term disability?

19 A. Correct.

20 MR. ELLIOTT: Object to the form.  
21 You can answer.

22 THE WITNESS: Yeah, she never did.  
23 And we offered it to her.

24 BY MR. OLCESSE:

ALEXIS FOREMAN

[Page 42]

1 Q. And when you say you offered it to  
2 her -- well, let's just do the first question.  
3 When was it offered to her?

4 A. August of 2020.

5 Q. And who would be the one offering it  
6 to her?

7 A. I asked Karl to have a conversation  
8 with her, letting her know that she was eligible  
9 and she could take an FMLA if she chose to.

10 Q. Okay.

11 A. And she declined.

12 Q. Do you remember yourself or anyone  
13 else in the human resources department ever  
14 submitting FMLA paperwork to Miss Onley?

15 A. No. That's upon request. She did not  
16 request it and we don't send it out.

17 Q. Okay. Was it to your knowledge,  
18 though, that as of August 2020 she was eligible  
19 for FMLA if she requested it?

20 A. Yes, she was.

21 Q. Okay. All right. So, Mr. Michener  
22 brings, you know, health concerns he has with  
23 Miss Onley to your attention around June 2020.  
24 You have subsequent conversations that lead you

ALEXIS FOREMAN

[Page 43]

1 to around August 2020. Do you remember any other  
2 written communications about Miss Onley's health  
3 between June and August of 2020?

4 A. No.

5 Q. Okay. I understand that Miss Onley  
6 was separated sometime early October 2020. Does  
7 that sound accurate to you?

8 A. Yes.

9 Q. Do you know what -- if you know  
10 specifically, what date was her termination date?

11 A. 10/5/2019 -- I'm sorry, 2020.

12 Q. Okay. And you said that -- I jumped  
13 the gun and I said terminated. I'm correct it  
14 was an involuntary separation, correct?

15 A. Correct.

16 Q. Okay. And who made the decision to  
17 terminate Miss Onley?

18 A. I did.

19 Q. Okay. And did you make that in  
20 consultation with either Mr. McDonough or  
21 Mr. Kostelac?

22 A. I did discuss it with Mr. McDonough,  
23 yes.

24 Q. Okay. And when did you first discuss

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ALEXIS FOREMAN

[Page 44]

1 it with Mr. McDonough?

2 A. I would say potentially between  
3 August -- I'm sorry, October 1st and October 5th  
4 when we received the first statement from Miss  
5 McGrory.

6 Q. So it's your understanding that  
7 Miss McGrory's statement was provided October 1,  
8 2020; does that sound right?

9 A. Yes.

10 Q. Okay. And -- well, if her last day of  
11 employment or her termination notice was October  
12 5, 2020, do you believe you made the decision to  
13 terminate Miss Onley on October 5th?

14 A. I believe it was October 7th. I  
15 believe it was the following Monday, if I'm not  
16 mistaken. I know it was the 7th, though. That  
17 was the date of the termination record.

18 Q. Right. But do you believe you made  
19 the decision to terminate Miss Onley prior to the  
20 record of -- that you're describing on October  
21 7th?

22 A. Honestly I don't know. It was either  
23 the 5th or the 7th. I don't know.

24 Q. Okay. And in reaching that decision,

ALEXIS FOREMAN

[Page 45]

1    how did you first come to learn to know that  
2    there was a possible incident or infraction  
3    pertaining to Miss Onley?

4           A.       I believe the first I was aware of it  
5    was when I received the statement on October 1st.  
6    Or shortly there before, Karl was e-mailing me  
7    that he had an issue and I asked him to get  
8    statements and send them to me. So, around that  
9    time.

10          Q.       Okay. So it started with Mr. Michener  
11   e-mailing you about an issue, he was looking for  
12   I guess advice from you, you said get statements,  
13   correct?

14          A.       Correct.

15          Q.       And did he tell you what the incident  
16   was about or who it was pertaining to?

17          A.       He just said it was a sexual  
18   harassment issue and he didn't say initially. It  
19   was between -- I was juggling a couple things at  
20   the time, so he was keeping it short.

21          Q.       Okay. But you recall receiving an  
22   e-mail, like the first time you learned about  
23   anything between Miss Onley that led to her  
24   termination, an e-mail from Mr. Michener saying

ALEXIS FOREMAN

[Page 46]

1 he needed your advice because it involved sexual  
2 harassment?

3 A. I don't recall specifically what it  
4 said. I believe he just said an issue. I don't  
5 know if it said harassment or sexual harassment.  
6 I honestly don't know. We do a lot of statements  
7 for a variety of reasons and for a variety of  
8 issues so I can get a better understanding of  
9 what's going on in the store.

10 Q. And this e-mail provided by  
11 Mr. Michener -- I'm just trying to go  
12 chronologically so I understand it. Am I correct  
13 if -- he e-mailed you about advice prior to you  
14 seeing any statement from any witness about the  
15 alleged event?

16 A. Yes, I believe that's how it worked in  
17 that case. That's typical.

18 Q. Right. So he'd tell you something is  
19 going on and then you advised him, get statements  
20 from the witnesses and then let me know how it's  
21 going, so to speak?

22 A. Get statements from the witnesses and  
23 then we'll discuss it. That's typically how it  
24 goes, yes.

ALEXIS FOREMAN

[Page 47]

1 Q. Okay. And you believe this all  
2 started October 1, 2020?

3 A. Yes.

4 Q. All right. Okay. And then after  
5 that, did Mr. Michener ever provide you with  
6 statements that he had gathered?

7 A. He gathered Sandra McGrory's on  
8 October 1st. And then I asked if there were any  
9 other witnesses and Mr. Shaun Rhoton was also  
10 stated, so I asked him to speak with Mr. Rhoton  
11 as well.

12 Q. And did Mr. Rhoton provide a statement  
13 as well?

14 A. He did.

15 Q. Did you review that as well?

16 A. I did.

17 Q. Okay. Did Mr. Michener inform you  
18 that he spoke with anyone other than Miss McGrory  
19 and Mr. Rhoton?

20 A. I believe he spoke with the store --  
21 excuse me -- the meat manager as well,  
22 Mr. Mercon.

23 Q. Mercon? Okay. Do you know if  
24 Mr. Mercon provided a statement?

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ALEXIS FOREMAN

[Page 48]

1           A.           He did not.

2           Q.           Okay. Did you inform Mr. Michener to  
3 speak to Miss Onley about what happened?

4           A.           Yes.

5           Q.           Okay. Did he provide a statement from  
6 Miss Onley?

7           A.           She did not write a statement. We  
8 asked her to. She chose not to.

9           Q.           Did Mr. Michener inform you whether or  
10 not he had a discussion personally with Miss  
11 Onley about what happened?

12          A.           Yes, he did.

13          Q.           Okay. And what did he share with you  
14 regarding that discussion with her?

15          A.           That she admitted to talking about  
16 using a sex toy, otherwise known as a dildo, in  
17 the meat department to Sandra McGrory.

18          Q.           Did she admit to when she admitted to  
19 using a dildo, like when that conversation took  
20 place with Miss McGrory?

21                       MR. ELLIOTT: Object to the form.

22                       You can answer.

23                       THE WITNESS: I believe she said it  
24 was ongoing. I don't -- I know there were

ALEXIS FOREMAN

[Page 49]

1           some dates in September that were pointed  
2           out, but they had brought up the  
3           conversation again with this 50 Shades of  
4           Gray movie that they discussed, which was  
5           the recent episode.

6   BY MR. OLCESE:

7           Q.       Okay. And was it shared to you that  
8           Miss Onley said that both her and Miss McGrory  
9           were fans and watched 50 Shades of Gray?

10          A.       Yes.

11          Q.       And did Mr. Michener share with you  
12          that Miss Onley stated that talks about a dildo  
13          were initiated and started by Miss McGrory?

14          A.       No.

15          Q.       So to your understanding from  
16          Mr. Michener, Miss Onley admitted that she  
17          brought up talks of a dildo in the first place on  
18          her own; is that accurate?

19          A.       That they had conversations, but that  
20          the dildo particularly was her conversation.

21          Q.       Okay.

22          A.       Miss Onley's.

23          Q.       All right. And I know the answer to  
24          this but I have to ask it for the record.

ALEXIS FOREMAN

[Page 50]

1 Obviously the incident we're describing between  
2 Miss McGrory and Miss Onley, you were not present  
3 for, correct?

4 A. Correct.

5 Q. Okay. And you were getting all of  
6 your information from Mr. Michener?

7 A. Correct.

8 Q. Was there anyone else at the Audubon  
9 location providing you information about this  
10 incident other than Mr. Michener?

11 A. Mr. Rhoton's statement as well.

12 Q. Okay. Did you ever speak to Mr. James  
13 Schlegel about this incident?

14 A. I may have. I don't recall.

15 Q. Okay. So I understand that an  
16 altercation occurred between Miss Onley and  
17 Miss McGrory on October 1, 2020. Does that sound  
18 accurate to you?

19 A. I -- I wouldn't describe it as an  
20 altercation.

21 Q. Okay. Where they had a heated  
22 exchange where they were yelling at each other or  
23 something?

24 A. My understanding was that Sandra got

ALEXIS FOREMAN

[Page 51]

1 very upset because Miss Onley would not leave her  
2 alone, and yet she did respond and she was  
3 yelling, yes.

4 Q. Okay. And you understand that that  
5 exchange, I'll just say --

6 A. Okay.

7 Q. -- happened on October 1, 2020?

8 A. Yes.

9 Q. Okay. And did you ever come to learn  
10 during that exchange whether there was any  
11 discussions between Miss McGrory and Miss Onley  
12 that related to a dildo or 50 Shades of Gray or  
13 any of that sexual nature content?

14 A. I'm sorry, can you say that again?

15 Q. Yeah. So the exchange that we're  
16 trying to talk about on October 1, 2020 from Miss  
17 McGrory and Miss Onley, did you ever come to  
18 learn that during that exchange, whether there  
19 was any discussions about 50 Shades of Gray, a  
20 dildo or anything sexual in nature?

21 A. I'm not sure I'm -- I'm not sure I'm  
22 hearing your question. Are you asking me if I  
23 was aware of any further discussion or previous  
24 discussion, is that what your question is?

ALEXIS FOREMAN

[Page 52]

1 Q. Yeah, so I guess -- let me try to make  
2 it more clear if I can.

3 The exchange on October 1, 2020,  
4 what is your understanding was discussed that led  
5 to Miss Onley and Miss McGrory's actions that day  
6 that led to the statement?

7 A. My understanding is that she  
8 discussed -- she -- Miss Onley brought up the 50  
9 Shades of Gray movie and Miss McGrory responded  
10 with that, yeah, that's my second favorite movie  
11 or something like that. And then Miss Onley went  
12 on to suggest because of the mood that the movie  
13 put her in, because she doesn't -- her husband is  
14 no longer there, that she had to use this dildo  
15 for that reason. And Miss McGrory did not really  
16 feel comfortable having that conversation. She  
17 was like, all right, enough. And then later on  
18 it was brought up again that, something about how  
19 she's supposed to clean it, she made a joke about  
20 it. And I think Miss McGrory just had enough.  
21 She was -- did not want to discuss it any  
22 further.

23 Q. And those discussions you just  
24 described, to your knowledge that all occurred on

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ALEXIS FOREMAN

[Page 53]

1 October 1, 2020?

2 A. Yes.

3 Q. Do you remember anything else being  
4 brought up on October 1, 2020 that was discussed  
5 between Miss Onley and Miss McGrory?

6 A. Yes. There was also questions about  
7 religious and, I think, you know, the election,  
8 those types of conversations. Political  
9 discussions is also what was brought up.

10 Q. Do you remember anything more specific  
11 than just religious or political conversations?

12 A. The Trump -- I guess Miss McGrory  
13 likes Trump and Miss Onley does not. Miss Onley  
14 suggested that Miss McGrory did not believe in  
15 Black Lives Matter. Those types of  
16 conversations, yes.

17 Q. Okay. All right. And did you ever  
18 come to learn that from that exchange, Miss  
19 McGrory used the F word, specifically telling  
20 Miss Onley to stay the fuck away from her?

21 A. Yeah, I was not aware of that. I did  
22 learn that later.

23 Q. When did you learn that?

24 A. I'm sorry?

ALEXIS FOREMAN

[Page 54]

1 Q. When did you learn that?

2 A. I don't know. After the fact. I  
3 don't really know exactly when, but I didn't know  
4 that at the time.

5 Q. Okay. Do you remember participating  
6 in an unemployment hearing for Miss Onley a  
7 couple months ago?

8 A. Yes.

9 Q. Do you remember if you learned that  
10 Miss McGrory said those words before that  
11 unemployment hearing?

12 A. I don't believe so, no.

13 Q. Okay. And did you ever come to learn  
14 that during their exchange, that Miss McGrory,  
15 who was at a dish -- like a sink, threw a pot?

16 A. That's not how it was described.

17 Q. How was it described?

18 A. She got frustrated, had a pot in her  
19 hand, the sink was full of dishes, she threw it  
20 in and like, I'm out of here, I'm leaving, and it  
21 exploded with bubbles.

22 Q. So she did throw a pot, right?

23 A. Yes.

24 Q. Okay. And when did you first --

ALEXIS FOREMAN

[Page 55]

1           A.           And I was explaining the method of the  
2     pot, not just throwing a pot across the room to  
3     hit a wall, yeah.

4           Q.           Right. So when did you first come to  
5     learn that she threw a pot during this exchange  
6     on October 1, 2020?

7           A.           I don't know.

8           Q.           Do you remember if you learned that  
9     during the investigation, before Miss Onley was  
10    terminated?

11          A.           I did not.

12          Q.           Okay. So it happened after Miss  
13    Onley's termination, right?

14          A.           (Indicating).

15          Q.           Do you know if you learned that during  
16    the unemployment hearing that you participated  
17    in?

18          A.           I did not know that then, no.

19          Q.           Okay. Okay. Let's see. Do you  
20    remember prior to October 1, 2020, receiving any  
21    complaints at the Audubon location about Miss  
22    Onley?

23          A.           I did not.

24          Q.           Okay. Do you remember being made



ALEXIS FOREMAN

[Page 56]

1 aware of any complaints from Miss McGrory at the  
2 Audubon location prior to October 1, 2020 about  
3 anyone else?

4 A. No.

5 (Brief recess.)

6 BY MR. OLCESE:

7 Q. Miss Foreman, we're back on the record  
8 after a short break. I want to show you the  
9 first exhibit today. I'm going to share my  
10 screen. Jeff has hard copies I'm sure of the  
11 ones I'm going to share. If you prefer looking  
12 at that that he provides you, that's fine. If  
13 you want to look at the screen, anything I show  
14 you, please let me know if you want me to scroll  
15 up or down so you can read it better, or zoom in  
16 and zoom out. Okay?

17 A. Okay.

18 (Document being shown.)

19 BY MR. OLCESE:

20 Q. All right, Miss Foreman. I'm sharing  
21 my screen with an exhibit marked D-5. This is a  
22 four-page exhibit. Bates stamped, which is a  
23 reference for legal purposes in litigation, this  
24 one is marked KS317 and then it goes

ALEXIS FOREMAN

[Page 57]

1 consecutively until KS320 on the bottom right  
2 there. Okay?

3 A. Okay.

4 Q. So this is a four-page document. And  
5 I'm happy to scroll up and down throughout if  
6 you'd like to review the whole thing. Just let  
7 me know.

8 But my first question is for you,  
9 when you have a chance to look at this, do you  
10 recognize this document?

11 A. I do.

12 Q. So what is this document?

13 A. It's Sandra McGrory's statement.

14 Q. Okay. And on the top it's dated  
15 October 1, 2020, correct?

16 A. Correct.

17 Q. And is this an accurate copy of the  
18 document that Mr. Michener forwarded to you on  
19 October 1, 2020?

20 A. Yes.

21 Q. Okay. So you got this statement, you  
22 got Mr. Rhoton's statement, and you got  
23 Mr. Mercon's statement, correct?

24 A. I didn't get a statement from

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ALEXIS FOREMAN

[Page 58]

1 Mr. Mercon.

2 Q. Okay. So just this statement and  
3 Mr. Rhoton, correct?

4 A. Correct.

5 Q. All right. And when you received it,  
6 you had a chance to read it and review it,  
7 correct?

8 A. Correct.

9 Q. So after you had a chance to do that,  
10 what did you do next in terms of the  
11 investigation? Did you reach back out to  
12 Mr. Michener?

13 A. Yes. Initially once I received Miss  
14 McGrory's statement, I asked him if there was  
15 anyone else that may have overheard these  
16 conversations. And he agreed, I believe it may  
17 be in here, that Shaun was -- Mr. Rhoton was also  
18 in the department at the time. And I asked that  
19 he bring Mr. Rhoton in, have a conversation and  
20 ask him to write a statement, and he did that.

21 Q. Okay. Okay. And at any point during,  
22 I'll just describe it as an investigation, did  
23 you personally speak with Miss McGrory?

24 A. No.

ALEXIS FOREMAN

[Page 59]

1           Q.       At any point did you personally speak  
2 with Mr. Rhoton during the investigation?

3           A.       No, sir.

4           Q.       Okay. Did you ever personally speak  
5 with Miss Onley during the investigation?

6           A.       No.

7           Q.       Okay. And obviously you never  
8 obtained any of the statements, you received them  
9 from Mr. Michener?

10          A.       Correct.

11          Q.       Fair to say then that the  
12 investigation was conducted by Mr. Michener and  
13 he reported the results to you?

14          A.       Correct, that would be fair, yes.

15          Q.       Okay. And other than what you already  
16 described and we spoke about, where you called  
17 Mr. Michener to get the statements after he  
18 reached out to you initially about what was going  
19 on, do you remember having any other  
20 conversations or communications with Mr. Michener  
21 later that day, October 1, 2020, after you  
22 received all the statements?

23          A.       I don't know if it was October 1st. I  
24 just remember it being a very busy time. It may

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ALEXIS FOREMAN

[Page 60]

1 have been a day or two later.

2 Q. Okay. All right. So what you're  
3 thinking of, though, what do you remember  
4 speaking with Mr. Michener about when you did  
5 talk to him after you had all the statements?

6 A. I asked him to bring Miss Onley in and  
7 present her with the complaints.

8 Q. Okay. And it was your understanding  
9 Mr. Michener did that?

10 A. Yes.

11 Q. Okay. And then subsequently,  
12 Mr. Michener informed you of what Miss Onley had  
13 admitted to or said happened, correct?

14 A. Correct. And I asked for a statement.  
15 And he said she was not willing to write a  
16 statement.

17 Q. Okay. So at that point, what did you  
18 and either Mr. Michener or anyone else involved  
19 with that investigation do?

20 A. I read over the material, I discussed  
21 it with Mr. Michener, and I also discussed it  
22 with Mr. McDonough.

23 Q. So did the three of you discuss it  
24 over like a conference call?

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ALEXIS FOREMAN

[Page 61]

1           A.           No. First I discussed it with  
2 Mr. Michener and then I walked across the hall  
3 and discussed all of the information with  
4 Mr. McDonough.

5           Q.           Okay. And the discussion you first  
6 had with Mr. Michener, am I correct you discussed  
7 with him, I guess what type of discipline Miss  
8 Onley or Miss McGrory would receive for this?

9                       MR. ELLIOTT: Object to the form.

10                      THE WITNESS: Yes, I did.

11 BY MR. OLCSE:

12           Q.           Okay. And generally describe, what  
13 did you talk about in that regard? What do you  
14 remember?

15           A.           I talked specifically about the --  
16 what I remember is talking specifically about the  
17 fact that this -- this sexual harassment type  
18 information. And that she admitted to having  
19 that conversation with Miss -- excuse me, I'm  
20 sorry -- Miss Onley had suggested this  
21 conversation with the dildo, the washing, and  
22 Miss McGrory repeatedly asked her to stop and she  
23 continued with it and was not comfortable with  
24 it. And those types of conversations and

ALEXIS FOREMAN

[Page 62]

1 potentially the joke where she was going to put  
2 the dildo in another employee's pocket in a meat  
3 department, is completely inappropriate and  
4 there's just no place for it in the workplace.

5 Q. And at that time Mr. Michener  
6 recommended that she be terminated?

7 MR. ELLIOTT: Object to the form.

8 THE WITNESS: He did not. He  
9 basically said, I don't know where to go  
10 with this, it is bad. And I said,  
11 unfortunately, the only -- this is how we  
12 handle these situations. It's  
13 inappropriate, she's aware of it, it's in  
14 the handbook, and we don't tolerate this  
15 type of behavior. And more than once she  
16 had spoken about it and was asked to stop.

17 BY MR. OLCSE:

18 Q. Well, when you say more than once she  
19 was asked to stop, what are you referring to?

20 A. Miss McGrory saying, I don't want to  
21 hear it, and then her continuing.

22 Q. Okay. So the only evidence that you  
23 had relying on that she was told previously and  
24 asked to stop is just from Miss McGrory herself,

ALEXIS FOREMAN

[Page 63]

1 correct?

2 A. I'm not sure about that. I don't --  
3 and I don't know that that would have been  
4 something that would be -- that would change our  
5 decision to terminate or not. The fact that she  
6 said it in general, and admitted to it, and is  
7 aware of our sexual harassment policy, and the  
8 fact that she was talking about bringing a dildo  
9 to work, is just completely inappropriate.

10 Q. Okay. So during that conversation,  
11 did you inform Mr. Michener that you were going  
12 to terminate Miss Onley?

13 A. During that conversation I took it and  
14 said, this is where I'm thinking I'm going, I'm  
15 going to verify that with my boss. And that's  
16 exactly what I did.

17 Q. Was there any discussions brought up  
18 about issuing Miss Onley a lesser form of  
19 discipline rather than termination?

20 A. No.

21 Q. And why not?

22 A. We felt that it reached that level of  
23 termination.

24 Q. And when you say we --



ALEXIS FOREMAN

[Page 64]

1           A.       I brought -- we -- so I brought it  
2 across the hall and asked -- I showed my boss all  
3 of the information. He said, completely agree,  
4 there's no other way, you need to terminate her.

5           Q.       And you say Mr. McDonough is who you  
6 consulted with?

7           A.       Correct.

8           Q.       Okay. And am I correct Redner's has a  
9 progressive discipline policy?

10          A.       Not for this particular situation, we  
11 do not.

12          Q.       What do you mean by that?

13          A.       So in our handbook it states that  
14 you -- it could be discipline up to termination  
15 on the first offense, just based on the severity.

16          Q.       Okay. Was there any consideration or  
17 discussion made about Miss Onley working for four  
18 years without receiving any prior discipline?

19          A.       Again, in this type of situation, we  
20 feel that this reaches a level that we can't --  
21 we can't allow in our -- in the workplace.

22          Q.       When you say we, again, who are you  
23 referencing?

24          A.       When I say we, I'm referencing myself

ALEXIS FOREMAN

[Page 65]

1 and Mr. McDonough.

2 Q. Okay. Okay. All right. Looking at  
3 the letter, the first paragraph, Miss McGrory  
4 writes about two to three months ago having  
5 discussions with Connie Onley where she feels  
6 that she and Miss McGrory are discriminated  
7 against because they are females in the  
8 department. Do you see that?

9 A. Yes.

10 Q. And Miss McGrory writes that she does  
11 not feel that way, correct?

12 A. Correct.

13 Q. Do you remember ever learning about  
14 Miss Onley complaining that she felt she was  
15 being discriminated against due to her gender at  
16 the Audubon location?

17 A. No.

18 Q. Is that something you would expect  
19 management to make you aware of if an employee  
20 complains of gender discrimination?

21 A. Correct. Not only management, but I  
22 also had a conversation with Miss Onley when we  
23 were ending the meeting at store 63, letting her  
24 know that she knows who I am, she can reach out

ALEXIS FOREMAN

[Page 66]

1 to me if there are any other issues. I had not  
2 heard from her at that point, since that point.

3 Q. Okay. All right. And through your  
4 discussions with Mr. Michener and your part in  
5 the investigation from this October 1, 2020  
6 incident, did you ever come to learn any reason  
7 why Miss McGrory included this in the statement,  
8 this first paragraph that we just described?

9 A. Yeah, I think she just continued to  
10 become frustrated by her. That's what I was  
11 getting from them, and based on what she stated  
12 in this.

13 Q. Okay. She writes later on, on the  
14 bottom of the first page, Bates stamp 317: I  
15 just had a sit down with Dave Kemp approximately  
16 September 10th in regard to Connie about things  
17 she talks about in the meat department that I  
18 don't feel comfortable with.

19 Do you remember ever learning about  
20 a sit-down or a complaint from Miss McGrory with  
21 Dave Kemp around September 10, 2020?

22 A. I was not aware of that, no.

23 Q. Okay. And Dave Kemp, we spoke about  
24 him before, wasn't he the assistant manager at

ALEXIS FOREMAN

[Page 67]

1 the Lansdale location?

2 A. No, Dave Kehm is -- it's not Kemp,  
3 it's Kehm, K-E-H-M. He is the director of -- not  
4 exactly sure. He's a meat specialist, so he  
5 oversees 10 or 12 stores, the meat department  
6 areas in those stores. So he's a meat supervisor  
7 essentially.

8 Q. Okay. But in this exhibit D-5 she's  
9 writing about Dave Kemp. I guess that's someone  
10 else then, correct?

11 A. No, I think she's referring to Dave  
12 Kehm there.

13 Q. Okay. And is that something you would  
14 expect in your practice to be made aware of, if  
15 an employee was complaining about another  
16 coworker?

17 A. So a lot of times it does not cross my  
18 desk. He is a supervisor, so he could take that  
19 complaint. Typically, when it reaches the level  
20 of HR, it's something that he feels could be an  
21 issue and he would relate it to me. At this time  
22 I was not -- at that time I was not aware of him  
23 sitting down with Sandra -- or Connie, I'm sorry.

24 Q. Well, when you see it in the statement

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ALEXIS FOREMAN

[Page 68]

1 that you reviewed on October 1, 2020, did you  
2 ever try to reach out to Dave and figure out what  
3 was going on?

4 A. That had -- at the time, it had  
5 nothing to do with the fact that -- the issue at  
6 hand, in my opinion, which was her bringing a  
7 dildo or talking about bringing a dildo to the  
8 workplace.

9 Q. Right. But I mean it was important  
10 enough apparently for Miss McGrory to write it in  
11 this complaint, correct?

12 A. Again, I think she was frustrated by  
13 it, yes, by Connie -- by Miss Onley, so she put  
14 it in there.

15 Q. So, like, the answer to my prior  
16 question, you did not reach out to Dave at the  
17 time you received this statement to ask him if he  
18 ever met with Miss McGrory?

19 A. I don't believe I did, no.

20 Q. Did you ever meet with him at any  
21 point afterwards?

22 A. After this statement?

23 Q. Yeah, to talk about what Miss McGrory  
24 writes in here, that she allegedly complained

ALEXIS FOREMAN

[Page 69]

1 about Miss Onley around September 10th?

2 A. No.

3 Q. Okay. So you never confirmed one way  
4 or the other with Dave or anyone, whether what  
5 Miss McGrory writes here is truthful?

6 MR. ELLIOTT: Object to the form.

7 THE WITNESS: No.

8 BY MR. OLCESE:

9 Q. Okay. She writes: I expressed to  
10 Dave I don't like how Connie continues to play  
11 the race card, age card, and once again that  
12 myself and Connie were discriminated because we  
13 are females.

14 Do you remember Miss Onley ever  
15 bringing to your attention that she felt she was  
16 being treated differently based on her race?

17 A. No.

18 Q. Did you ever speak to Miss McGrory  
19 about what it meant when she said Miss Onley is  
20 playing the race card?

21 A. I never spoke to Miss McGrory.

22 Q. I know not during the investigation,  
23 but at any point after Miss Onley's termination  
24 did you ever follow up with Miss McGrory to talk

ALEXIS FOREMAN

[Page 70]

1 about what had transpired?

2 A. No.

3 Q. Okay. Do you remember anyone at the  
4 Audubon location ever speaking to you about Miss  
5 Onley speaking that -- about Miss Onley  
6 complaining that she felt she was being treated  
7 unfairly based on her race?

8 A. No.

9 Q. Okay. And do you have any  
10 understanding why Miss McGrory, in writing this  
11 statement, brings up the fact that Miss Onley had  
12 complained that she was being treated differently  
13 due to her race?

14 MR. ELLIOTT: Object to the form.

15 THE WITNESS: Apparently she must  
16 have had that conversation with Miss  
17 McGrory. However, it was never reported.

18 BY MR. OLCSE:

19 Q. Okay. And then on the next paragraph  
20 on KS318, it continues: Approximately on  
21 September 5th Connie made a statement to me that  
22 she wants to put a dildo in Shaun's coat pocket.

23 So I asked you prior about comments  
24 regarding the dildo, the prank against

ALEXIS FOREMAN

[Page 71]

1 Mr. Rhoton, and content of a sexual nature,  
2 whether they occurred on October 1, 2020, and you  
3 believed they had.

4 Reading this now, do you believe  
5 that that -- those kind of comments were  
6 discussed on October 1, 2020 or prior to October  
7 1, 2020?

8 A. So I'm just rereading the statement.  
9 According to this, yes, it looks like it happened  
10 on September 5th. And it looks like it was  
11 ongoing.

12 Q. Do you remember -- is there any reason  
13 that sitting here today you don't believe that  
14 you knew after reading this statement when you  
15 first received it, October 1, 2020, that you  
16 would have read these comments initiating about a  
17 dildo started almost a month prior?

18 MR. ELLIOTT: Object to the form.

19 THE WITNESS: Yeah, I do recall  
20 that. And it -- honestly it wouldn't have  
21 mattered. They occurred and it's not  
22 appropriate for the workplace. And once  
23 it has been reported, that's when we act  
24 on it. We don't know what we don't know.



ALEXIS FOREMAN

[Page 72]

1 BY MR. OLCESE:

2 Q. Right. And then -- but isn't it fair  
3 to assume that the policy in place is to protect  
4 employees that feel they're being harassed,  
5 correct?

6 A. Correct.

7 Q. And wouldn't you expect an employee  
8 feeling they are being harassed would come and  
9 present the facts of what's happening within a  
10 month timeframe?

11 A. Not necessarily. It doesn't always  
12 work like that.

13 Q. Why not?

14 A. It depends on who's reporting it and  
15 how they're feeling and the circumstances.

16 Q. Do you remember ever considering the  
17 fact, or talking with either Mr. McDonough or  
18 Mr. Michener that Miss McGrory is now bringing  
19 forward these alleged sexual harassment  
20 complaints after a month, and if that mattered or  
21 not?

22 A. Yes. It didn't matter.

23 Q. It didn't matter?

24 A. No.

ALEXIS FOREMAN

[Page 73]

1 Q. Okay. Did you ever question why, why  
2 was Miss McGrory bringing it to our attention  
3 today rather than any other day?

4 A. Yes.

5 Q. And what did you discuss with that?

6 A. She basically said this is ongoing and  
7 I'm tired of it. I keep asking her to stop and  
8 she keeps continuing. I can't take it anymore.

9 Q. And then on the last -- third page,  
10 excuse me, she goes on to talk about what  
11 transpired on October 1, 2020. Do you see that  
12 on Bates stamp KS319?

13 A. I do, yes.

14 Q. Okay. What I'd like you to do is just  
15 read to yourself, please, from that section to  
16 the rest of the statement which ends on KS320,  
17 page 4 of D-5, and let me know when you're  
18 finished. Okay?

19 A. Okay. (Reviewing document). Okay.

20 Q. Okay. So you had a chance to read  
21 that, correct, Miss Foreman?

22 A. Correct.

23 Q. All right. So on the last page,  
24 towards the middle, Miss McGrory writes: I

ALEXIS FOREMAN

[Page 74]

1 yelled again, I don't fucking care, stop it.

2 Do you see that?

3 A. Yes.

4 Q. Right. So when you read this report  
5 at that time, you knew Miss McGrory had used  
6 expletive language against Miss Onley, right?

7 A. Yeah, obviously I was wrong. I forgot  
8 I read that. But I -- yes, I did read that, and  
9 yes, I would have known that.

10 Q. Right. And did you ever come to learn  
11 where this altercation between Miss Onley and  
12 Miss McGrory took place on October 1, 2020?

13 A. Initially in the meat room.

14 Q. And you've been to the Audubon  
15 location. The meat room location, that's within  
16 public view, correct; the customers can see  
17 behind the meat counter?

18 A. Not the way -- like in the meat room,  
19 there's doors that are closed. And where they  
20 were, my understanding is they were in the back.  
21 I'm not really sure if there were doors or not,  
22 honestly, because I get the stores kind of  
23 confused sometimes. They're all set up a little  
24 bit differently.

ALEXIS FOREMAN

[Page 75]

1           Q.       Based on your understanding of the  
2 discipline policy, can an employee at Redner's be  
3 disciplined for yelling and cursing and -- if the  
4 customers can hear it?

5           A.       If the customers can hear it and it's  
6 out on the sales floor, yes.

7           Q.       Okay. So Miss McGrory was not  
8 disciplined, so was it your understanding that  
9 even though she was yelling and cursing, it was  
10 not within an earshot of customers?

11          A.       It was not on the sales floor, yes.  
12 That's my understanding.

13          Q.       How -- when did you come to learn it  
14 was not on the sales floor?

15          A.       My understanding is that this occurred  
16 in the meat room.

17          Q.       Right. Who told you it was not on the  
18 sales floor where customers couldn't hear it, is  
19 what I'm asking?

20          A.       There was no talk about customers  
21 overhearing it.

22          Q.       Okay. So you're just assuming that no  
23 customers overheard it because you didn't hear if  
24 they did?

ALEXIS FOREMAN

[Page 76]

1           A.           It was discussed with -- I don't  
2   really recall if it was discussed with Karl or  
3   not. So I would have to say yes, I didn't hear  
4   it, that it was on the sales floor. My  
5   understanding was that it was in the meat room.

6           Q.           Okay. And we talked a little bit ago  
7   about you learning that Miss McGrory threw a pot  
8   during this exchange, right?

9           A.           Yes.

10          Q.           Did you read anywhere in Miss  
11   McGrory's statement where she admits to throwing  
12   a pot?

13          A.           No.

14          Q.           Okay. And doesn't Redner's have a  
15   policy about making good faith, honest  
16   complaints?

17          A.           Yes.

18          Q.           Do you believe it would be pertinent  
19   that if Miss McGrory was being honest about the  
20   entire exchange that she had with Miss Onley, she  
21   would write, hey, I got mad, I cursed, like she  
22   did, but then also write that she threw a pot?

23          A.           Sometimes they leave some details out  
24   because they're really upset when they write

ALEXIS FOREMAN

[Page 77]

1 statements. It's not unusual.

2 Q. Right.

3 A. They don't write everything out.

4 Q. Right. So, but wouldn't you agree  
5 this statement is less than fully accurate then?

6 MR. ELLIOTT: Object to the form.

7 THE WITNESS: Yeah, I wouldn't  
8 agree with that.

9 BY MR. OLCSE:

10 Q. So this is fully accurate, this is  
11 exactly what happened?

12 A. I didn't say it was exactly what  
13 happened, but it is pretty accurate. And that  
14 conversation was discussed, with Karl my  
15 understanding was.

16 Q. What was discussed?

17 A. The situation that occurred that day.

18 Q. It's your understanding that Miss  
19 McGrory admitted to Mr. Michener when they spoke  
20 during the investigation that she threw a pot?

21 A. I don't know that for sure.

22 Q. Okay. Wouldn't that matter to you,  
23 investigating what really happened, if an  
24 employee threw a pot in an angry outburst?

ALEXIS FOREMAN

[Page 78]

1 MR. ELLIOTT: Object to the form.

2 THE WITNESS: Not when it was into  
3 a sink.

4 BY MR. OLCESE:

5 Q. Okay. So there's no concern there  
6 because it went into a sink; it has to hit  
7 somebody, is that your testimony?

8 A. No, that's not my testimony. My  
9 testimony is she just put it in the sink, tossed  
10 it into the sink. She wasn't trying to hurt  
11 anyone, was my understanding.

12 Q. Where did you -- I'm asking where did  
13 you get that understanding?

14 A. I got it probably during -- either  
15 during the EEOC when Sandra responded in her  
16 testimony. I'm not really sure.

17 Q. Well, are you just assuming now, or  
18 did you receive that information that she placed  
19 it in the sink gently from someone?

20 A. Yeah, I didn't say that. I said she  
21 tossed it into the sink and didn't want to hurt  
22 anyone. And I believe when we were doing our  
23 prep for the -- I'm sorry, the unemployment  
24 hearing, I believe that may have been where it

ALEXIS FOREMAN

[Page 79]

1     came up. I can't recall. But I did have that  
2     conversation with her.

3           Q.       Well, you testified earlier that the  
4     first time you believe you learned that she threw  
5     a pot was during the unemployment hearing you  
6     participated in.

7           A.       I think that's what I just said. I  
8     believe that's what I just said. During the  
9     unemployment. I thought that's what I just said.

10          Q.       Okay. So, in your opinion though,  
11     when she throws a pot, it's of no significance,  
12     it has no bearing on her statement, because she  
13     tossed it into the sink; is that right?

14          A.       It didn't -- in this matter that I was  
15     addressing, it did not have an impact, no.

16          Q.       Well, doesn't the Redner's policy  
17     against workplace violence also address workplace  
18     intimidation?

19                   MR. ELLIOTT: Object to the form.

20                   THE WITNESS: We do have -- yeah,  
21                   we do have a clause about intimidation.

22     BY MR. OLCESSE:

23          Q.       Okay. And do you not think that an  
24     employee yelling, cursing, throwing a pot, could



ALEXIS FOREMAN

[Page 80]

1 be intimidating to another coworker?

2 A. I guess it could be. In this  
3 situation, to me it seemed like Miss Onley was  
4 the aggressor because she wouldn't leave Miss  
5 McGrory alone.

6 Q. Right.

7 A. And that was her way of getting away.

8 Q. My question for you is, if you knew  
9 Miss McGrory honestly said she got angry, she  
10 shouted, she cursed at Miss Onley and then threw  
11 a pot into the sink, is that something you would  
12 have asked Mr. Michener to talk to her about, to  
13 see possibly if Miss McGrory should be subject to  
14 discipline for that behavior?

15 A. We talked about the language, yes, and  
16 he did speak with her about that.

17 Q. But you did not talk about throwing a  
18 pot because you don't know about it, right?

19 A. Correct.

20 Q. If you knew about it, sitting here  
21 today, do you believe you would have instructed  
22 Mr. Michener to have addressed that with her and  
23 you possibly could have had a conversation about  
24 subjecting her to discipline?

ALEXIS FOREMAN

[Page 81]

1 MR. ELLIOTT: Object to the form.

2 THE WITNESS: Possibly, but I would  
3 think it would be more of a counseling.  
4 It would depend on the circumstance. Hard  
5 to say.

6 BY MR. OLCSE:

7 Q. Okay. And if you knew at that time,  
8 around October 1, 2020 when you were doing your  
9 investigation, that Miss McGrory had thrown a  
10 pot, would you have instructed Mr. Michener to  
11 ask Miss Onley about that fact?

12 A. I would have thought that would have  
13 come up in whether she wrote a statement, which  
14 she refused to do, or in the conversation. And  
15 my understanding is that never came up.

16 Q. Right. So my question though was, if  
17 you knew about that, if Miss McGrory wrote it in  
18 the statement, do you believe sitting here today  
19 you would have asked Mr. Michener, when he got a  
20 statement or questioned Miss Onley, to ask about  
21 that subject of throwing the pot?

22 A. Yeah, I probably would have. I would  
23 have thought it would have come up, though, if it  
24 was an issue.

ALEXIS FOREMAN

[Page 82]

1           Q.       Okay. I mean, knowing that now, does  
2   that change your decisionmaking sitting here  
3   today, whether Miss Onley should have been  
4   terminated?

5           A.       No, it does not.

6           Q.       Does it change the fact whether you  
7   belive Miss McGrory should have been issued some  
8   form of discipline for her actions?

9           A.       I can't answer that.

10          Q.       You don't know?

11          A.       I -- I would have had to have asked  
12   the circumstances and had a better understanding  
13   of how Connie felt, Miss Onley felt. But neither  
14   one of them told us about that at the time, so we  
15   were unaware.

16          Q.       Okay. Did you ever inform  
17   Mr. Michener to send Miss Onley home for the day?

18          A.       Yes, that is typical protocol when  
19   we're investigating.

20          Q.       Well, did you tell Mr. Michener to  
21   send Miss McGrory home for the day?

22          A.       No.

23          Q.       If it's typical protocol, why did you  
24   not do that?

ALEXIS FOREMAN

[Page 83]

1           A.           Because she was the one complaining.

2           Q.           Okay. And do you recall if -- do you  
3 know whether or not Miss Onley ever returned to  
4 work after being sent home for that day?

5           A.           I don't believe she did. I think she  
6 was suspended pending HR review.

7           Q.           I understand Mr. Michener drafted a  
8 termination notice a few days after doing the  
9 investigation. Were you -- did you take part in  
10 drafting that termination notice at all?

11          A.           I typically do, but when I do, I write  
12 my own name and title and it's not on there. So  
13 I'm assuming that I either communicated to Karl  
14 how to write it or he did it himself.

15          Q.           All right. Understood. Bear with me  
16 one second, please.

17                       I understand that you drafted a  
18 statement around January 18, 2021. Do you  
19 remember doing that?

20          A.           I do.

21          Q.           Why did you draft a statement at that  
22 time?

23          A.           I believe it was our position  
24 statement in response to the EEOC complaint.

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ALEXIS FOREMAN

[Page 84]

1 Q. And were you responsible for  
2 responding to the EEOC charge of discrimination?

3 A. I don't respond to it, our general  
4 counsel does. But because I was involved in it,  
5 he asked me to write a statement.

6 Q. I understand. Okay. And did you  
7 reach out to anyone else to write statements?

8 A. I believe I asked Mr. DeGeorgio and  
9 Mr. Kehm.

10 Q. Okay. Did you type up anyone else's  
11 statement other than your own?

12 A. No.

13 Q. Okay. Do you remember reviewing  
14 documents during this litigation called  
15 interrogatories?

16 A. Yes.

17 Q. And I understand they were submitted  
18 by counsel. Before they were submitted, though,  
19 did you have a chance to review them and make any  
20 changes if necessary?

21 A. Yes.

22 Q. Okay. All right. Miss Foreman, I  
23 appreciate your time. I don't have anything  
24 further unless Jeff has some few questions for

ALEXIS FOREMAN

[Page 85]

1     you, okay?

2                   MR. ELLIOTT:  No, I don't have any  
3                   questions.  Thanks, Andrew.  And thanks,  
4                   Miss Vance.

5                   COURT REPORTER:  Mr. Elliott, do  
6                   you need a copy of her transcript also as  
7                   well?

8                   MR. ELLIOTT:  We've already ordered  
9                   this.  And I just talked to your colleague  
10                  about Mr. Michener's, so, same form, same  
11                  manner, same copy, indexing.  That would  
12                  be great.

13                                   -   -   -

14                   (Witness excused.)

15                   (Deposition concluded at approximately  
16     3:36 p.m.)

17

18

19

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21

22

23

24

ALEXIS FOREMAN

[Page 86]

C E R T I F I C A T I O N

I hereby certify that the proceedings, evidence, and objections noted herein are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter, and that this is a correct transcript of the same.

-----  
Robin A. Vance, CCR, RPR

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## ALEXIS FOREMAN

87

A					
	22:4	<b>allout (1)</b> 37:7	<b>approximately...</b>	34:10,13,17	
<b>ability (3)</b> 6:22	<b>admit (1)</b> 48:18	<b>allow (1)</b> 64:21	1:13 6:1 17:17	36:16,19,24	
12:22 24:19	<b>admits (1)</b> 76:11	<b>altercation (3)</b>	32:18 66:15	37:13,17 38:3	
<b>able (1)</b> 13:2	<b>admitted (8)</b>	50:16,20 74:11	70:20 85:15	50:8 55:21	
<b>absence (2)</b> 23:4	31:1 48:15,18	<b>amicably (3)</b>	<b>areas (1)</b> 67:6	56:2 65:16	
40:10	49:16 60:13	27:2 28:1	<b>arrangement (1)</b>	70:4 74:14	
<b>absent (1)</b> 23:3	61:18 63:6	32:15	4:18	<b>august (6)</b> 38:15	
<b>absenteeism (3)</b>	77:19	<b>andor (1)</b> 86:23	<b>arrived (1)</b>	42:4,18 43:1,3	
23:7 36:2	<b>advice (7)</b> 23:13	<b>andrew (4)</b> 2:4	28:20	44:3	
38:20	23:15 27:4	5:4,17 85:3	<b>asked (26)</b> 11:13	<b>aware (12)</b> 22:15	
<b>absolutely (2)</b>	35:18 45:12	<b>angry (2)</b> 77:24	12:16 27:4	34:20 45:4	
16:16 35:22	46:1,13	80:9	30:18 35:18	51:23 53:21	
<b>accommodate ...</b>	<b>advised (1)</b>	<b>answer (14)</b>	41:3 42:7 45:7	56:1 62:13	
40:8	46:19	10:24 11:24	47:8,10 48:8	63:7 65:19	
<b>accommodatio...</b>	<b>afternoon (1)</b>	12:5,6,15 13:2	58:14,18 60:6	66:22 67:14,22	
41:14	5:16	27:11 40:4,12	60:14 61:22		
<b>accurate (7)</b>	<b>age (1)</b> 69:11	41:21 48:22	62:16,19,24		
43:7 49:18	<b>aggressor (1)</b>	49:23 68:15	64:2 70:23		
50:18 57:17	80:4	82:9	80:12 81:19		
77:5,10,13	<b>ago (10)</b> 6:2	<b>answered (2)</b>	82:11 84:5,8		
<b>accurately (1)</b>	15:18 16:11,12	10:18,20	<b>asking (6)</b> 33:3		
86:5	17:5,9 25:9	<b>answering (1)</b>	39:4 51:22		
<b>acknowledge (2)</b>	54:7 65:4 76:6	11:11	73:7 75:19		
4:9,12	<b>agree (5)</b> 5:5,7	<b>anthony (1)</b>	78:12		
<b>acknowledges ...</b>	64:3 77:4,8	30:16	<b>assigned (2)</b>		
4:20	<b>agreed (7)</b> 4:1	<b>anymore (1)</b>	19:6,8		
<b>act (1)</b> 71:23	30:21 35:10,12	73:8	<b>assistant (9)</b>		
<b>action (1)</b> 1:5	35:18 36:6	<b>aolcese (1)</b> 2:6	15:6,8,19,23		
<b>actions (3)</b> 30:8	58:16	<b>apologize (2)</b>	16:15 17:1		
52:5 82:8	<b>agreement (4)</b>	14:21 16:6	18:9 20:18		
<b>addon (1)</b> 20:4	5:1,2 32:16	<b>apparently (2)</b>	66:24		
<b>address (3)</b>	41:10	68:10 70:15	<b>assume (4)</b> 12:15		
13:11 40:1	<b>agrees (1)</b> 4:21	<b>apply (1)</b> 86:21	25:13 33:17		
79:17	<b>ahead (1)</b> 27:11	<b>appreciate (1)</b>	72:3		
<b>addressed (1)</b>	<b>alexis (5)</b> 1:11	84:23	<b>assuming (3)</b>		
80:22	3:3 5:9 13:7,10	<b>appreciated (1)</b>	75:22 78:17		
<b>addressing (1)</b>	<b>allegations (2)</b>	32:12	83:13		
79:15	8:20 9:7	<b>approach (1)</b>	<b>attention (5)</b>		
<b>adequate (1)</b>	<b>allege (1)</b> 7:6	20:23	8:17 31:23		
35:9	<b>alleged (2)</b> 46:15	<b>appropriate (2)</b>	42:23 69:15		
<b>administer (1)</b>	72:19	11:17 71:22	73:2		
22:9	<b>allegedly (1)</b>	<b>approved (3)</b>	<b>attorneys (3)</b> 2:7		
<b>administered (...)</b>	68:24	35:7,13 41:1	2:12 4:7		
4:13	<b>allencompassi...</b>	<b>approximate (1)</b>	<b>audubon (18)</b>		
<b>administering ...</b>	20:21	17:11	25:7,11,17		

## B

**back (4)** 30:19  
56:7 58:11  
74:20  
**bad (1)** 62:10  
**based (10)** 19:6  
30:7,9 31:3,13  
64:15 66:11  
69:16 70:7  
75:1  
**basically (3)**  
32:13 62:9  
73:6  
**basis (1)** 23:3  
**bates (3)** 56:22  
66:14 73:12  
**bear (1)** 83:15  
**bearing (1)**  
79:12  
**beginning (2)**  
1:12 5:2  
**behalf (1)** 10:10  
**behavior (4)**  
31:14 32:10  
62:15 80:14  
**behaviors (1)**  
31:8  
**believe (33)** 6:1  
7:18 25:8



ALEXIS FOREMAN

88

26:14 28:18 34:14 39:20 44:12,14,15,18 45:4 46:4,16 47:1,20 48:23 53:14 54:12 58:16 68:19 71:4,13 76:18 78:22,24 79:4 79:8 80:21 81:18 83:5,23 84:8 <b>believed (2)</b> 29:12 71:3 <b>belive (1)</b> 82:7 <b>benefits (5)</b> 21:22,23 22:2 22:7,8 <b>bensalem (1)</b> 2:5 <b>best (4)</b> 6:22 11:15 17:10 34:1 <b>better (7)</b> 26:17 31:10 32:7,12 46:8 56:15 82:12 <b>beyond (2)</b> 19:17 41:13 <b>biggest (1)</b> 11:5 <b>bit (5)</b> 14:4 18:7 21:18 74:24 76:6 <b>bite (1)</b> 11:22 <b>black (1)</b> 53:15 <b>blackout (1)</b> 38:13 <b>blood (1)</b> 39:14 <b>bob (2)</b> 10:20 24:11 <b>boss (6)</b> 8:1,3 21:13 24:11 63:15 64:2 <b>bottom (2)</b> 57:1 66:14 <b>break (3)</b> 11:20	12:1 56:8 <b>brief (1)</b> 56:5 <b>bring (3)</b> 8:16 58:19 60:6 <b>bringing (8)</b> 7:1 31:22 63:8 68:6,7 69:15 72:18 73:2 <b>brings (2)</b> 42:22 70:11 <b>brought (13)</b> 6:10 29:5 30:19,24 49:2 49:17 52:8,18 53:4,9 63:17 64:1,1 <b>bubbles (1)</b> 54:21 <b>busy (2)</b> 31:15 59:24 <hr/> <b>C</b> <b>c (4)</b> 2:1,4 86:1,1 <b>call (1)</b> 60:24 <b>called (2)</b> 59:16 84:14 <b>cant (9)</b> 9:3 16:11 17:12 38:15 64:20,21 73:8 79:1 82:9 <b>capable (1)</b> 24:12 <b>card (3)</b> 69:11 69:11,20 <b>care (1)</b> 74:1 <b>career (1)</b> 21:12 <b>case (4)</b> 7:2 10:13 11:9 46:17 <b>ccr (2)</b> 1:14 86:13 <b>cernj (1)</b> 86:14 <b>certain (3)</b> 8:20 12:3 17:13 <b>certainly (1)</b>	16:17 <b>certification (2)</b> 4:3 86:20 <b>certify (1)</b> 86:3 <b>certifying (1)</b> 86:23 <b>cerutti (1)</b> 2:4 <b>chance (6)</b> 26:17 57:9 58:6,9 73:20 84:19 <b>change (3)</b> 63:4 82:2,6 <b>changed (2)</b> 20:2 21:14 <b>changes (1)</b> 84:20 <b>charge (1)</b> 84:2 <b>choose (1)</b> 19:13 <b>chose (2)</b> 42:9 48:8 <b>chronologicall...</b> 46:12 <b>ciaccio (6)</b> 28:6 28:9,16,18,19 30:16 <b>circumstance ...</b> 81:4 <b>circumstances...</b> 72:15 82:12 <b>city (1)</b> 86:17 <b>civil (3)</b> 1:5 13:18,20 <b>claims (1)</b> 7:6 <b>clarify (4)</b> 12:11 12:14 15:7 23:14 <b>clause (1)</b> 79:21 <b>clean (1)</b> 52:19 <b>clear (1)</b> 52:2 <b>clearly (1)</b> 11:9 <b>closed (1)</b> 74:19 <b>coat (1)</b> 70:22 <b>coding (1)</b> 31:5 <b>colleague (1)</b> 85:9	<b>college (1)</b> 16:22 <b>com (3)</b> 1:24 2:6 2:11 <b>come (19)</b> 12:12 27:5 32:19,23 34:16 36:8 39:11 45:1 51:9,17 53:18 54:13 55:4 66:6 72:8 74:10 75:13 81:13,23 <b>comfortable (5)</b> 30:19 32:10 52:16 61:23 66:18 <b>coming (2)</b> 32:8 41:8 <b>comments (3)</b> 70:23 71:5,16 <b>commission (1)</b> 86:18 <b>communicate ...</b> 41:4 <b>communicate...</b> 34:23 83:13 <b>communicatio...</b> 43:2 59:20 <b>company (2)</b> 19:9 34:23 <b>complain (2)</b> 8:16,19 <b>complained (2)</b> 68:24 70:12 <b>complaining (4)</b> 65:14 67:15 70:6 83:1 <b>complains (1)</b> 65:20 <b>complaint (18)</b> 7:21,22 8:2,6 8:12 9:17,20 13:17,18,20,20 23:12 30:18 31:22 66:20	67:19 68:11 83:24 <b>complaints (11)</b> 8:16 29:7 32:4 32:20,24 33:7 55:21 56:1 60:7 72:20 76:16 <b>complete (1)</b> 20:9 <b>completely (3)</b> 62:3 63:9 64:3 <b>concern (2)</b> 26:24 78:5 <b>concerned (2)</b> 38:9 40:16 <b>concerning (1)</b> 37:19 <b>concerns (4)</b> 38:12 39:13 40:1 42:22 <b>concluded (1)</b> 85:15 <b>conclusion (1)</b> 31:9 <b>conducted (1)</b> 59:12 <b>conducting (1)</b> 10:14 <b>conference (1)</b> 60:24 <b>confirmed (1)</b> 69:3 <b>conflict (1)</b> 21:24 <b>confronted (2)</b> 31:2 37:9 <b>confused (1)</b> 74:23 <b>connie (16)</b> 1:3 5:17 13:24 27:1 29:2,5 32:9 34:20 65:5 66:16 67:23 68:13
---	---	--	---	---

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ALEXIS FOREMAN

89

69:10,12 70:21 82:13 <b>connies (1)</b> 13:23 <b>consecutively ...</b> 57:1 <b>consent (3)</b> 4:18 5:5,7 <b>consider (1)</b> 35:23 <b>consideration ...</b> 64:16 <b>considered (1)</b> 23:5 <b>considering (1)</b> 72:16 <b>consult (2)</b> 35:19 36:14 <b>consultant (1)</b> 23:21 <b>consultation (3)</b> 23:10 39:24 43:20 <b>consulted (1)</b> 64:6 <b>consulting (4)</b> 22:21 24:2,20 24:24 <b>contact (1)</b> 23:9 <b>contained (1)</b> 86:5 <b>content (2)</b> 51:13 71:1 <b>continued (2)</b> 61:23 66:9 <b>continues (2)</b> 69:10 70:20 <b>continuing (2)</b> 62:21 73:8 <b>control (1)</b> 86:23 <b>convenience (1)</b> 18:23 <b>conversate (1)</b> 31:11 <b>conversation (...)</b>	30:17 32:1 34:3,5 37:7 42:7 48:19 49:3,20 52:16 58:19 61:19,21 63:10,13 65:22 70:16 77:14 79:2 80:23 81:14 <b>conversations ...</b> 40:15 42:24 49:19 53:8,11 53:16 58:16 59:20 61:24 <b>convicted (1)</b> 14:23 <b>copies (1)</b> 56:10 <b>copy (3)</b> 57:17 85:6,11 <b>corporate (3)</b> 17:19,20,23 <b>correct (67)</b> 6:16 10:3,5,23 16:17 18:4 19:2 22:3,11 24:7,8 25:5,16 26:7,8 30:10 31:9,14 32:10 33:8,9 34:6,7 34:11,12,15 35:15 39:9,10 40:5 41:19 43:13,14,15 45:13,14 46:12 50:3,4,7 57:15 57:16,23 58:3 58:4,7,8 59:10 59:14 60:13,14 61:6 63:1 64:7 64:8 65:11,12 65:21 67:10 68:11 72:5,6 73:21,22 74:16 80:19 86:7 <b>correctly (2)</b>	7:12 29:15 <b>corresponden...</b> 38:5,8 <b>couldnt (1)</b> 75:18 <b>counsel (8)</b> 4:2 4:17,20,24 5:3 12:3 84:4,18 <b>counseling (1)</b> 81:3 <b>counter (1)</b> 74:17 <b>county (1)</b> 86:17 <b>couple (3)</b> 25:13 45:19 54:7 <b>court (8)</b> 1:1,22 4:7,22 7:11,11 10:16 85:5 <b>covid (6)</b> 20:2,3 38:19,22,23 39:3 <b>covid19 (1)</b> 39:7 <b>coworker (2)</b> 67:16 80:1 <b>creek (2)</b> 17:21 17:23 <b>crime (1)</b> 14:23 <b>cross (1)</b> 67:17 <b>culture (2)</b> 35:1 35:2 <b>current (3)</b> 13:11 15:4 21:19 <b>currently (4)</b> 15:1 18:20 19:7 21:4 <b>cursed (2)</b> 76:21 80:10 <b>cursing (3)</b> 75:3 75:9 79:24 <b>customer (1)</b> 34:24 <b>customers (8)</b> 31:8 74:16 75:4,5,10,18	75:20,23 <b>cut (1)</b> 16:6 <b>cutter (1)</b> 27:18 <b>D</b> <b>d (1)</b> 3:1 <b>d5 (4)</b> 3:13 56:21 67:8 73:17 <b>date (4)</b> 16:1 43:10,10 44:17 <b>dated (1)</b> 57:14 <b>dates (2)</b> 31:5 49:1 <b>dave (20)</b> 26:24 27:6 28:8 29:1 29:3,9 30:15 30:19 32:8 35:8 66:15,21 66:23 67:2,9 67:11 68:2,16 69:4,10 <b>day (11)</b> 19:20 20:1 44:10 52:5 59:21 60:1 73:3 77:17 82:17,21 83:4 <b>days (3)</b> 17:13 28:7 83:8 <b>decision (7)</b> 24:1 24:9 43:16 44:12,19,24 63:5 <b>decisionmakin...</b> 82:2 <b>decisions (1)</b> 24:13 <b>declare (1)</b> 4:14 <b>declined (1)</b> 42:11 <b>defendant (4)</b> 1:8 2:12 5:7 6:15 <b>degeorgio (8)</b>	27:19,22 28:10 29:2,24 30:15 34:19 84:8 <b>delaware (2)</b> 1:15,23 <b>deliveries (1)</b> 20:3 <b>department (14)</b> 21:22 27:7 28:15 31:15 35:4 36:4 37:1 42:13 48:17 58:18 62:3 65:8 66:17 67:5 <b>depend (1)</b> 81:4 <b>depends (2)</b> 22:17 72:14 <b>depose (1)</b> 14:22 <b>deposed (5)</b> 6:13 7:20 8:8 9:16 9:24 <b>deposition (14)</b> 1:10 5:20,24 6:11,14 7:10 8:10 10:4 13:15 14:11,16 14:19 15:17 85:15 <b>depositions (1)</b> 10:1 <b>describe (5)</b> 21:19 38:11 50:19 58:22 61:12 <b>described (9)</b> 19:3,12 31:18 32:2 52:24 54:16,17 59:16 66:8 <b>describing (3)</b> 6:14 44:20 50:1 <b>description (1)</b> 3:12
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## ALEXIS FOREMAN

90

<b>descriptions (1)</b> 29:11	23:18 31:19,22 36:10,11 61:7	14:2 84:14	<b>E</b>	45:6,11
<b>designated (1)</b> 19:5	63:19 64:9,14 64:18 75:2	<b>doesnt (4)</b> 52:13 72:11 76:14 79:16	<b>e (4)</b> 2:1,1 3:1 86:1	<b>employed (3)</b> 8:23 9:5 15:1
<b>desk (1)</b> 67:18	80:14,24 82:8	<b>doing (10)</b> 11:6 17:7 23:21	<b>earlier (1)</b> 79:3	<b>employee (28)</b> 6:8 15:5,8,19 16:14 17:4,16 18:9 20:12,17 21:24,24 22:4 22:12,14,20 23:18 24:2,5,9 24:20 25:2 65:19 67:15 72:7 75:2 77:24 79:24
<b>details (1)</b> 76:23	<b>disciplined (3)</b> 36:1 75:3,8	33:23 36:3 37:8 78:22 81:8 83:8,19	<b>early (3)</b> 38:4,19 43:6	<b>employees (4)</b> 20:24 41:4 62:2 72:4
<b>didnt (16)</b> 14:6 16:6 26:7 37:6 41:7 45:18 54:3 57:24 72:22,23 75:23 76:3 77:12 78:20,21 79:14	<b>discriminated ...</b> 65:6,15 69:12	<b>dont (48)</b> 12:10 16:1 20:7 27:12 28:2 32:14 34:2,4 35:23,23 37:5 38:14 39:21 41:5 42:16 44:22,23 46:3 46:4,6 48:24 50:14 54:2,3 54:12 55:7 59:23 62:9,14 62:20 63:2,3 66:18 68:19 69:10 71:13,24 71:24 74:1 76:1 77:3,21 80:18 82:10 83:5 84:3,23 85:2	<b>earshot (1)</b> 75:10	<b>employment (7)</b> 6:4 8:16 10:12 13:23,24 25:20 44:11
<b>different (1)</b> 19:21	<b>discrimination...</b> 7:7 65:20 84:2		<b>eastern (1)</b> 1:2	<b>encounter (1)</b> 26:15
<b>differently (5)</b> 29:10,13 69:16 70:12 74:24	<b>discuss (8)</b> 20:13 30:20 43:22,24 46:23 52:21 60:23 73:5		<b>eat (1)</b> 11:22	<b>ended (1)</b> 32:6
<b>digiorgio (1)</b> 26:22	<b>discussed (17)</b> 29:4,7 30:14 49:4 52:4,8 53:4 60:20,21 61:1,3,6 71:6 76:1,2 77:14 77:16		<b>education (3)</b> 17:2 24:18 35:17	<b>ends (1)</b> 73:16
<b>dildo (16)</b> 48:16 48:19 49:12,17 49:20 51:12,20 52:14 61:21 62:2 63:8 68:7 68:7 70:22,24 71:17	<b>discussing (1)</b> 33:6		<b>eeoc (6)</b> 13:17,19 13:20 78:15 83:24 84:2	<b>engagement (2)</b> 21:24 22:12
<b>direct (5)</b> 28:7 28:11,12,14 86:22	<b>discussion (8)</b> 15:14 40:8 48:10,14 51:23 51:24 61:5 64:17		<b>effort (1)</b> 33:20	<b>entire (3)</b> 19:9 21:12 76:20
<b>director (21)</b> 6:8 15:5,7,18 16:14 17:1,3 17:16 18:9 20:17 22:20,24 23:18 24:18,24 26:22 27:20 28:10,13 35:17 67:3	<b>discussions (9)</b> 39:23 40:6 51:11,19 52:23 53:9 63:17 65:5 66:4	<b>doors (2)</b> 74:19 74:21	<b>eight (4)</b> 18:24 19:20,22,24	<b>episode (1)</b> 49:5
<b>directors (2)</b> 23:15 24:1	<b>dish (1)</b> 54:15	<b>draft (1)</b> 83:21	<b>either (9)</b> 24:21 25:3 41:17 43:20 44:22 60:18 72:17 78:14 83:13	<b>errors (7)</b> 29:16 29:17,21 30:3 31:2,4,16
<b>disability (3)</b> 22:5,10 41:18	<b>dishes (1)</b> 54:19	<b>drafted (2)</b> 83:7 83:17	<b>election (1)</b> 53:7	<b>esquire (2)</b> 2:4,9
<b>discipline (18)</b> 22:13,15,16,20	<b>dismissed (1)</b> 7:16	<b>drafting (1)</b> 83:10	<b>eligible (4)</b> 41:1 41:5 42:8,18	<b>essentially (3)</b> 15:11 27:3 67:7
	<b>district (2)</b> 1:1,2	<b>drive (2)</b> 1:23 2:10	<b>elliott (23)</b> 2:9 5:6,6 9:11 14:12 27:10 40:2,11,13 41:20 48:21 61:9 62:7 69:6 70:14 71:18 77:6 78:1 79:19 81:1 85:2,5,8	<b>evaluating (1)</b> 20:10
	<b>doctors (1)</b> 41:12	<b>due (3)</b> 38:21 65:15 70:13	<b>elses (1)</b> 84:10	<b>event (1)</b> 46:15
	<b>document (6)</b> 56:18 57:4,10 57:12,18 73:19	<b>duly (1)</b> 5:9	<b>email (10)</b> 34:18 38:5,7,14 39:5 39:17,21 45:22 45:24 46:10	<b>events (1)</b> 12:23
	<b>documents (2)</b>	<b>duties (4)</b> 21:14 21:19,22 22:3	<b>emailed (1)</b> 46:13	<b>everythings (1)</b> 36:4
		<b>duty (2)</b> 18:17 19:16	<b>emailing (2)</b>	<b>evidence (2)</b> 62:22 86:4

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## ALEXIS FOREMAN

91

<b>exactly (6)</b> 16:1 54:3 63:16 67:4 77:11,12	<b>exploded (1)</b> 54:21	69:13	1:11 3:3 5:9,16 12:21 13:7,10 15:2 56:7,20 73:21 84:22	<b>gathered (2)</b> 47:6,7
<b>examination (1)</b> 5:13	<b>express (1)</b> 29:21	<b>feverfree (1)</b> 39:1	<b>forgot (1)</b> 74:7	<b>gender (4)</b> 7:7 31:13 65:15,20
<b>examined (1)</b> 5:10	<b>expressed (1)</b> 69:9	<b>figure (1)</b> 68:2	<b>form (21)</b> 4:5 27:10 31:18,22 39:3 40:2,11 41:20 48:21 61:9 62:7 63:18 69:6 70:14 71:18 77:6 78:1 79:19 81:1 82:8 85:10	<b>general (2)</b> 63:6 84:3
<b>example (3)</b> 22:23 23:2,8	<b>expressing (1)</b> 30:5	<b>file (3)</b> 13:17,23 13:24		<b>generally (4)</b> 8:11 19:23 21:18 61:12
<b>examples (1)</b> 29:11	<b>F</b>	<b>find (1)</b> 10:11		<b>gently (1)</b> 78:19
<b>excessive (2)</b> 23:5,6	<b>f (2)</b> 53:19 86:1	<b>fine (3)</b> 11:22 36:5 56:12		<b>getting (5)</b> 29:17 31:16 50:5 66:11 80:7
<b>excessively (1)</b> 36:1	<b>fact (9)</b> 54:2 61:17 63:5,8 68:5 70:11 72:17 81:11 82:6	<b>finished (1)</b> 73:18		<b>give (3)</b> 10:19 11:15 29:11
<b>exchange (11)</b> 50:22 51:5,10 51:15,18 52:3 53:18 54:14 55:5 76:8,20	<b>facts (1)</b> 72:9	<b>first (28)</b> 5:19 6:20 9:4 16:24 24:3,20 26:13 38:1,14 42:2 43:24 44:4 45:1,4,22 49:17 54:24 55:4 56:9 57:8 61:1,5 64:15 65:3 66:8,14 71:15 79:4	<b>forward (2)</b> 32:14 72:19	<b>gmail (1)</b> 1:24
<b>exciting (1)</b> 34:22	<b>fair (7)</b> 11:6 16:13 20:14 25:13 59:11,14 72:2	<b>five (5)</b> 16:11 17:5 18:18,23 19:18	<b>forwarded (1)</b> 57:18	<b>go (11)</b> 7:13 11:17 19:17,20 24:6 25:3 27:10,22 35:5 46:11 62:9
<b>excuse (5)</b> 7:24 30:12 47:21 61:19 73:10	<b>faith (1)</b> 76:15	<b>floor (6)</b> 31:7 75:6,11,14,18 76:4	<b>four (5)</b> 6:2 10:7 15:17,20 64:17	<b>goes (4)</b> 20:16 46:24 56:24 73:10
<b>excused (1)</b> 85:14	<b>family (1)</b> 22:4	<b>fmila (8)</b> 22:9 40:19,22 41:6 41:17 42:9,14 42:19	<b>fourpage (2)</b> 56:22 57:4	<b>going (22)</b> 10:21 11:2,9,12 12:15 16:9 17:9 22:14 26:19 37:3 38:11 46:9,19 46:21 56:9,11 59:18 62:1 63:11,14,15 68:3
<b>exhibit (4)</b> 56:9 56:21,22 67:8	<b>fans (1)</b> 49:9	<b>focus (4)</b> 18:7 20:8 35:2 41:10	<b>fredericksbur...</b> 9:9,11	<b>good (5)</b> 5:16 11:5 20:6 34:24 76:15
<b>exhibits (1)</b> 3:11	<b>far (1)</b> 11:6	<b>follow (3)</b> 33:22 38:24 69:24	<b>fresh (1)</b> 34:20	<b>goodman (11)</b> 27:1,6,17,24 28:5,8 29:3 30:2,4,24 31:18
<b>expect (3)</b> 65:18 67:14 72:7	<b>favorite (1)</b> 52:10	<b>following (1)</b> 44:15	<b>friday (1)</b> 14:3	<b>goodmans (1)</b> 30:8
<b>experiencing (2)</b> 38:20 40:17	<b>feedback (1)</b> 35:21	<b>follows (1)</b> 5:11	<b>front (1)</b> 19:1	<b>graduated (1)</b>
<b>expiration (1)</b> 31:5	<b>feel (6)</b> 11:17 52:16 64:20 65:11 66:18 72:4	<b>followup (1)</b> 34:5	<b>frustrated (5)</b> 29:20 31:16 54:18 66:10 68:12	
<b>expires (1)</b> 86:18	<b>feeling (4)</b> 32:9 38:21 72:8,15	<b>foregoing (2)</b> 86:6,20	<b>fuck (1)</b> 53:20	
<b>explaining (1)</b> 55:1	<b>feels (2)</b> 65:5 67:20	<b>foreman (12)</b>	<b>fucking (1)</b> 74:1	
<b>explanation (1)</b> 31:3	<b>felt (10)</b> 29:8,18 30:7,20 63:22 65:14 69:15 70:6 82:13,13		<b>full (4)</b> 13:6 16:21,23 54:19	
<b>expletive (1)</b> 74:6	<b>female (3)</b> 29:9 29:13,19		<b>fully (5)</b> 11:11 13:3 77:5,10 86:5	
<b>explicitly (1)</b> 12:6	<b>females (2)</b> 65:7		<b>further (5)</b> 4:12 33:7 51:23 52:22 84:24	
			<b>G</b>	
			<b>gas (1)</b> 18:24	



## ALEXIS FOREMAN

92

16:21	72:4,8	<b>history (1)</b> 36:11	51:14,21,21,21	23:9 45:2
<b>gray (5)</b> 49:4,9	<b>harassment (13)</b>	<b>hit (2)</b> 55:3 78:6	51:21 53:24	<b>inhibit (1)</b> 12:22
51:12,19 52:9	7:2,4,5 8:20	<b>hold (2)</b> 15:9	54:20,20 56:9	<b>initial (3)</b> 7:21
<b>great (3)</b> 13:5	9:8 23:22	27:17	56:10,11,20	30:17 39:5
36:5 85:12	45:18 46:2,5,5	<b>home (4)</b> 13:11	57:5 61:19	<b>initially (8)</b> 8:2
<b>greet (1)</b> 34:1	61:17 63:7	82:17,21 83:4	63:2,14,14,14	29:5 30:6
<b>gretta (3)</b> 6:19	72:19	<b>honest (2)</b> 76:15	64:24 67:23	38:16 45:18
6:23 16:10	<b>harassmentrel...</b>	76:19	71:8 73:7	58:13 59:18
<b>grocery (1)</b> 39:9	23:12,19	<b>honestly (6)</b>	74:21 75:19	74:13
<b>guess (7)</b> 15:11	<b>hard (2)</b> 56:10	27:13 44:22	78:12,16,23	<b>initiated (1)</b>
45:12 52:1	81:4	46:6 71:20	83:13	49:13
53:12 61:7	<b>harmony (1)</b>	74:22 80:9	<b>immediately (1)</b>	<b>initiating (1)</b>
67:9 80:2	1:23	<b>hopefully (1)</b>	35:10	71:16
<b>guidelines (1)</b>	<b>head (2)</b> 10:19	17:10	<b>impact (1)</b> 79:15	<b>input (1)</b> 35:20
38:23	10:19	<b>hours (1)</b> 39:1	<b>important (1)</b>	<b>instance (1)</b>
<b>gun (1)</b> 43:13	<b>health (10)</b>	<b>hr (8)</b> 15:20,24	68:9	41:17
<b>guys (1)</b> 30:14	37:19 38:3,10	16:15 20:7,18	<b>inappropriate ...</b>	<b>instructed (2)</b>
	38:12 39:12	35:7 67:20	62:3,13 63:9	80:21 81:10
<b>H</b>	40:1,16,17	83:6	<b>incident (6)</b> 45:2	<b>interrogatorie...</b>
<b>half (1)</b> 18:7	42:22 43:2	<b>human (8)</b> 15:6	45:15 50:1,10	84:15
<b>hall (2)</b> 61:2	<b>healthy (1)</b>	15:8 18:10	50:13 66:6	<b>interview (1)</b>
64:2	40:24	20:23 21:6,21	<b>included (1)</b>	26:7
<b>hand (2)</b> 54:19	<b>hear (7)</b> 14:6	25:1 42:13	66:7	<b>intimidating (1)</b>
68:6	62:21 75:4,5	<b>hurt (2)</b> 78:10	<b>including (1)</b>	80:1
<b>handbook (4)</b>	75:18,23 76:3	78:21	36:20	<b>intimidation (2)</b>
23:4 40:22	<b>heard (1)</b> 66:2	<b>husband (2)</b>	<b>indexing (1)</b>	79:18,21
62:14 64:13	<b>hearing (6)</b>	41:9 52:13	85:11	<b>investigating (2)</b>
<b>handle (3)</b> 22:1	51:22 54:6,11	<b>hypertension (1)</b>	<b>indicate (1)</b> 4:24	77:23 82:19
39:5 62:12	55:16 78:24	39:14	<b>indicating (1)</b>	<b>investigation (...)</b>
<b>handles (1)</b> 22:7	79:5		55:14	32:3 55:9
<b>handling (1)</b>	<b>heated (1)</b> 50:21	<b>I</b>	<b>individual (5)</b>	58:11,22 59:2
7:23	<b>hed (1)</b> 46:18	<b>id (1)</b> 73:14	8:21,23 9:2	59:5,12 60:19
<b>hands (1)</b> 32:13	<b>held (3)</b> 1:12	<b>identify (1)</b> 9:2	24:14 36:1	66:5 69:22
<b>happened (11)</b>	15:14 16:14	<b>ill (5)</b> 11:6,15	<b>inform (5)</b> 47:17	77:20 81:9
30:23 33:7	<b>hello (1)</b> 37:8	39:7 51:5	48:2,9 63:11	83:9
48:3,11 51:7	<b>help (1)</b> 20:3	58:22	82:16	<b>inviting (1)</b>
55:12 60:13	<b>helpful (1)</b> 17:14	<b>illness (1)</b> 38:24	<b>information (7)</b>	34:21
71:9 77:11,13	<b>hes (3)</b> 21:8 67:4	<b>im (50)</b> 10:3,8	13:16 50:6,9	<b>involuntary (1)</b>
77:23	67:6	10:21 11:2,9	61:3,18 64:3	43:14
<b>happening (1)</b>	<b>hey (1)</b> 76:21	12:11,13,15	78:18	<b>involve (1)</b> 6:3
72:9	<b>high (1)</b> 39:14	14:6 17:8,9	<b>informed (1)</b>	<b>involved (5)</b>
<b>happy (5)</b> 12:12	<b>hill (1)</b> 13:10	20:7 30:1 33:3	60:12	7:10 35:16
12:13 29:15	<b>hired (2)</b> 16:24	33:13 37:9	<b>informing (1)</b>	46:1 60:18
31:6 57:5	17:1	38:18 43:11,13	39:18	84:4
<b>harassed (2)</b>	<b>hiring (1)</b> 26:4	44:3,15 46:11	<b>infraction (2)</b>	<b>isnt (1)</b> 72:2

## ALEXIS FOREMAN

93

<b>issue (11)</b> 9:23 22:1,18,20 45:7,11,18 46:4 67:21 68:5 81:24	14:15 42:7 45:6 76:2 77:14 83:13	65:24 69:22 71:24,24 73:17 77:21 80:18 82:10 83:3	37:18 38:2 39:11 45:1 51:9,18 53:18 53:22,23 54:1 54:13 55:5 66:6 74:10 75:13	50:9 55:21 56:2 65:16 67:1 70:4 74:15,15
<b>issued (5)</b> 22:15 22:16 31:18,21 82:7	<b>karpf (2)</b> 2:4,4 <b>karpflaw (1)</b> 2:6 <b>keep (2)</b> 11:6 73:7 <b>keeping (1)</b> 45:20	<b>knowing (1)</b> 82:1 <b>knowledge (4)</b> 8:7 34:17 42:17 52:24	<b>learned (5)</b> 45:22 54:9 55:8,15 79:4 <b>learning (3)</b> 65:13 66:19 76:7	<b>locations (6)</b> 18:11,14,19,21 19:1,3 <b>lonely (1)</b> 41:8 <b>longer (2)</b> 9:4 52:14
<b>issues (12)</b> 14:9 20:12 23:11,12 28:3 32:20,24 36:2 38:16 40:18 46:8 66:1	<b>keeps (1)</b> 73:8 <b>kehm (9)</b> 29:1 30:15 35:8,13 67:2,3,3,12 84:9	<b>known (3)</b> 13:8 48:16 74:9 <b>knows (1)</b> 65:24 <b>kostelac (7)</b> 24:12,16,16,21 25:4 35:15 43:21	<b>leave (7)</b> 22:5,5 40:9 41:1 51:1 76:23 80:4 <b>leaving (1)</b> 54:20 <b>led (3)</b> 45:23 52:4,6	<b>look (2)</b> 56:13 57:9 <b>looking (4)</b> 23:18 45:11 56:11 65:2
<b>issuing (1)</b> 63:18 <b>ive (1)</b> 25:22	<b>kemp (5)</b> 66:15 66:21,23 67:2 67:9 <b>kind (4)</b> 23:9 33:22 71:5 74:22	<b>kozloffstoudt (1)</b> 2:11 <b>kozloff (1)</b> 2:9 <b>ks000317320 (1)</b> 3:13 <b>ks317 (1)</b> 56:24 <b>ks318 (1)</b> 70:20 <b>ks319 (1)</b> 73:12 <b>ks320 (2)</b> 57:1 73:16	<b>legal (1)</b> 56:23 <b>lesser (1)</b> 63:18 <b>letter (1)</b> 65:3 <b>letting (2)</b> 42:8 65:23 <b>level (4)</b> 28:13 63:22 64:20 67:19 <b>license (1)</b> 86:14 <b>lieu (1)</b> 4:13 <b>liked (1)</b> 41:7 <b>likes (1)</b> 53:13 <b>litigation (2)</b> 56:23 84:14 <b>little (6)</b> 12:13 14:3 18:6 21:18 74:23 76:6 <b>lives (1)</b> 53:15 <b>location (24)</b> 9:9 18:3 19:12 25:7 26:10 27:8 32:21 34:11,13 35:20 36:16,21,24 37:13,17 38:3	<b>looks (2)</b> 71:9,10 <b>lose (1)</b> 40:20 <b>lot (5)</b> 31:7 35:4 38:20 46:6 67:17 <b>loud (1)</b> 31:12 <b>low (1)</b> 37:22
<b>J</b>	<b>james (1)</b> 50:12 <b>january (1)</b> 83:18 <b>jeff (6)</b> 9:4,7 12:3 14:12 56:10 84:24 <b>jeffrey (2)</b> 2:9 5:6 <b>jelliott (1)</b> 2:11 <b>jersey (1)</b> 1:15 <b>job (6)</b> 11:6,6 21:14,19 22:3 40:20 <b>joke (2)</b> 52:19 62:1 <b>juggling (1)</b> 45:19 <b>jumbled (1)</b> 12:13 <b>jumped (1)</b> 43:12 <b>june (5)</b> 1:12 38:4,19 42:23 43:3	<b>kiosks (2)</b> 18:24 19:11 <b>knew (6)</b> 71:14 74:5 80:8,20 81:7,17 <b>know (62)</b> 6:17 7:9,16 9:3,15 9:19 10:8,11 11:12,23 12:11 17:11 26:1 27:12,14 28:17 30:6 31:5 33:20 36:2 38:13,14,16,17 38:22 39:21 41:5 42:8,22 43:9,9 44:16 44:22,23 45:1 46:5,6,20 47:23 48:24 49:23 53:7 54:2,3,3 55:7 55:15,18 56:14 57:7 59:23 62:9 63:3	<b>L</b> <b>labels (1)</b> 31:6 <b>lack (1)</b> 26:16 <b>language (2)</b> 74:6 80:15 <b>lansdale (10)</b> 26:10 27:20 32:21 33:8,11 34:10 35:20 36:9,12 67:1 <b>lansdowne (1)</b> 27:8 <b>late (2)</b> 38:4,18 <b>lawsuit (2)</b> 5:18 7:1 <b>lead (1)</b> 42:24 <b>learn (18)</b> 32:19 32:23 36:8	<b>M</b> <b>m (2)</b> 1:13 85:16 <b>mad (1)</b> 76:21 <b>maiden (3)</b> 13:9 17:21,22 <b>main (2)</b> 20:15 41:10 <b>major (1)</b> 20:14 <b>making (7)</b> 20:5 24:13 25:14 26:18 29:16 31:3 76:15 <b>management (6)</b> 21:23 36:15,18 37:20 65:19,21 <b>manager (10)</b> 22:7,9 27:7,13 28:6,12,15 30:16 47:21 66:24 <b>manner (1)</b> 85:11
<b>K</b> <b>karl (7)</b> 9:15				

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94

<b>manners (1)</b> 7:24	74:12 75:7 76:7,19 77:19	<b>merely (2)</b> 31:4 31:14	25:12,14 32:18 54:7 65:4	34:20,22 35:2 35:16 36:14
<b>march (9)</b> 26:14 26:16 27:17 28:20 32:18,24 33:15 34:6 39:7	80:5,9,13 81:9 81:17 82:7,21 <b>mcgrorys (6)</b> 44:7 47:7 52:5 57:13 58:14 76:11	<b>met (4)</b> 25:22 26:15 27:4 68:18 <b>method (1)</b> 55:1 <b>michener (43)</b> 9:16 14:15 38:6 39:12 40:7 41:3 42:21 45:10,24 46:11 47:5,17 48:2,9 49:11 49:16 50:6,10 57:18 58:12 59:9,12,17,20 60:4,9,12,18 60:21 61:2,6 62:5 63:11 66:4 72:18 77:19 80:12,22 81:10,19 82:17 82:20 83:7	<b>mood (1)</b> 52:12 <b>mouth (1)</b> 12:13 <b>move (1)</b> 32:13 <b>movie (4)</b> 49:4 52:9,10,12 <b>multiple (1)</b> 17:9	<b>nod (1)</b> 10:19 <b>notary (2)</b> 1:14 86:16 <b>noted (1)</b> 86:4 <b>notes (1)</b> 86:6 <b>notice (4)</b> 15:16 44:11 83:8,10
<b>marked (2)</b> 56:21,24	<b>mean (5)</b> 16:6 35:13 64:12 68:9 82:1	42:21 45:10,24 46:11 47:5,17 48:2,9 49:11 49:16 50:6,10 57:18 58:12 59:9,12,17,20 60:4,9,12,18 60:21 61:2,6 62:5 63:11 66:4 72:18 77:19 80:12,22 81:10,19 82:17 82:20 83:7	<hr/> <b>N</b> <hr/> <b>n (3)</b> 2:1 3:1 86:1 <b>name (10)</b> 5:1,17 6:17,20 9:3,4 13:6 19:7 24:15 83:12 <b>names (2)</b> 13:8,9 <b>narrow (1)</b> 17:11 <b>narrowing (1)</b> 18:6 <b>nature (4)</b> 8:12 51:13,20 71:1 <b>ncra (1)</b> 86:15 <b>necessarily (4)</b> 20:19 22:17 23:23 72:11 <b>necessary (3)</b> 32:5 39:9 84:20 <b>need (10)</b> 10:18 11:16,20 12:5 23:9,20 41:11 41:13 64:4 85:6 <b>needed (3)</b> 40:9 40:23 46:1 <b>needs (2)</b> 20:11 20:12 <b>neither (1)</b> 82:13 <b>never (9)</b> 18:2 31:13 41:16,22 59:7 69:3,21 70:17 81:15 <b>new (6)</b> 1:14	<b>number (3)</b> 18:19 19:19 37:18
<b>market (1)</b> 34:21 <b>markets (1)</b> 1:7 <b>material (1</b>				

## ALEXIS FOREMAN

95

43:6 44:3,3,7 44:11,13,14,20 45:5 47:2,8 50:17 51:7,16 52:3 53:1,4 55:6,20 56:2 57:15,19 59:21 59:23 66:5 68:1 71:2,6,6 71:15 73:11 74:12 81:8 <b>offense (1)</b> 64:15 <b>offered (3)</b> 41:23 42:1,3 <b>offering (1)</b> 42:5 <b>office (4)</b> 17:19 17:20,23 24:6 <b>official (1)</b> 4:21 <b>oh (2)</b> 27:16 38:16 <b>okay (176)</b> 5:22 6:3,6,13 7:13 7:16,19 8:3,10 8:13,19 9:6,10 9:15,19 10:3,6 10:12,22 11:3 11:4,13,14 12:1,2,16,17 12:21 13:14 14:10,21 15:7 15:23 16:19 17:7,14,15 18:2,6,13,20 19:2,7,10 20:20,22 21:3 21:14 22:2,8 22:19,23 23:8 24:5,14,23 25:6,10,13,19 26:9 27:6,19 27:22 28:14,19 28:23 29:21 30:5,11,11,23 32:1,17 33:5 33:14 34:8	36:13,18,23 39:6,22 40:6 42:10,17,21 43:5,12,16,19 43:24 44:10,24 45:10,21 47:1 47:4,17,23 48:2,5,13 49:7 49:21 50:5,12 50:15,21 51:4 51:6,9 53:17 54:5,13,24 55:12,19,19,24 56:16,17 57:2 57:3,14,21 58:2,21,21 59:4,7,15 60:2 60:8,11,17 61:5,12 62:22 63:10 64:8,16 65:2,2 66:3,13 66:23 67:8,13 69:3,9 70:3,9 70:19 73:1,14 73:18,19,19,20 75:7,22 76:6 76:14 77:22 78:5 79:10,23 81:7 82:1,16 83:2 84:6,10 84:13,22 85:1 <b>olcese (25)</b> 2:4 3:4 5:4,4,15,17 9:14 15:13,15 27:15 40:3 41:15,24 49:6 56:6,19 61:11 62:17 69:8 70:18 72:1 77:9 78:4 79:22 81:6 <b>once (5)</b> 58:13 62:15,18 69:11 71:22 <b>ones (1)</b> 56:11	<b>ongoing (5)</b> 26:23,24 48:24 71:11 73:6 <b>onley (86)</b> 1:3 5:18 10:10 13:24 25:21,22 26:12,16 27:1 27:23 29:2 30:17 31:21 32:20 33:1,12 33:21 34:5,9 34:16,20 36:9 36:20,23 37:4 37:14 39:13 40:9 42:14,23 43:5,17 44:13 44:19 45:3,23 48:3,6,11 49:8 49:12,16 50:2 50:16 51:1,11 51:17 52:5,8 52:11 53:5,13 53:13,20 54:6 55:9,22 59:5 60:6,12 61:8 61:20 63:12,18 64:17 65:5,14 65:22 68:13 69:1,14,19 70:5,5,11 74:6 74:11 76:20 80:3,10 81:11 81:20 82:3,13 82:17 83:3 <b>onleys (8)</b> 28:5 32:4 37:19 38:2 43:2 49:22 55:13 69:23 <b>onset (1)</b> 39:6 <b>open (1)</b> 39:8 <b>opening (2)</b> 34:14 36:19 <b>operation (1)</b> 20:8	<b>operations (1)</b> 20:5 <b>opinion (2)</b> 68:6 79:10 <b>opportunity (2)</b> 10:10 25:20 <b>ordered (1)</b> 85:8 <b>outburst (1)</b> 77:24 <b>overall (3)</b> 20:6 20:10 40:16 <b>overheard (2)</b> 58:15 75:23 <b>overhearing (1)</b> 75:21 <b>oversee (3)</b> 21:23 22:6,8 <b>overseeing (1)</b> 21:21 <b>oversees (1)</b> 67:5  <b>P</b> <b>p (5)</b> 1:13 2:1,1 2:4 85:16 <b>pa (4)</b> 2:5,10 13:12 17:23 <b>page (6)</b> 3:2,12 66:14 73:9,17 73:23 <b>pandemic (1)</b> 39:7 <b>paperwork (1)</b> 42:14 <b>paragraph (3)</b> 65:3 66:8 70:19 <b>part (14)</b> 5:20 6:14 9:16,20 10:1 18:8 21:1 22:3 26:4 28:20 32:3 36:13 66:4 83:9 <b>participants (2)</b> 2:2 30:13	<b>participate (1)</b> 30:24 <b>participated (3)</b> 28:23 55:16 79:6 <b>participating (...)</b> 4:8 54:5 <b>particular (1)</b> 64:10 <b>particularly (1)</b> 49:20 <b>parties (1)</b> 4:17 <b>passed (1)</b> 41:9 <b>pay (1)</b> 41:2 <b>payroll (1)</b> 21:22 <b>penalty (1)</b> 4:15 <b>pending (2)</b> 11:24 83:6 <b>pennsylvania (...)</b> 1:2,15 9:12 17:21 <b>people (1)</b> 34:21 <b>perfect (1)</b> 35:10 <b>perfectly (1)</b> 11:22 <b>performance (3)</b> 28:3 29:15,23 <b>performancer...</b> 23:11,20,22 <b>perjury (1)</b> 4:16 <b>person (3)</b> 4:13 11:7 20:7 <b>personally (5)</b> 18:3 48:10 58:23 59:1,4 <b>personnel (1)</b> 20:11 <b>persons (1)</b> 24:15 <b>pertaining (2)</b> 45:3,16 <b>pertinent (1)</b> 76:18 <b>pharmacies (2)</b> 18:23 19:11
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96

<b>philadelphia (2)</b> 86:17,17	83:23	<b>previously (1)</b> 62:23	78:9	71:4,14
<b>phone (3)</b> 39:19	<b>positions (1)</b> 15:9	<b>prior (12)</b> 20:3	<b>Q</b>	<b>realized (1)</b> 32:11
39:20,23	<b>possible (1)</b> 45:2	25:10,24 44:19	<b>question (17)</b> 5:19 10:20	<b>really (10)</b> 11:8
<b>physically (1)</b> 4:9	<b>possibly (3)</b> 80:13,23 81:2	46:13 55:20	11:12,18,24	20:21 35:2
<b>pick (1)</b> 19:21	<b>pot (18)</b> 54:15	56:2 64:18	12:7,10,15	52:15 54:3
<b>place (6)</b> 36:19	54:18,22 55:2	68:15 70:23	14:22 42:2	74:21 76:2,24
48:20 49:17	55:2,5 76:7,12	71:6,17	51:22,24 57:8	77:23 78:16
62:4 72:3	76:22 77:20,24	<b>probably (4)</b> 18:15 31:10	68:16 73:1	<b>reason (6)</b> 13:1
74:12	79:5,11,24	78:14 81:22	80:8 81:16	18:16 26:19
<b>placed (1)</b> 78:18	80:11,18 81:10	<b>problem (3)</b> 35:24 36:10	<b>questionanda...</b> 10:9	52:15 66:6
<b>plaintiff (5)</b> 1:4	81:21	38:1	<b>questioned (1)</b> 81:20	71:12
2:7 5:5 6:9,18	<b>potentially (3)</b> 40:20 44:2	<b>proceeding (2)</b> 4:8,11	<b>questions (10)</b> 4:5 10:18	<b>reasons (3)</b> 23:19,20 46:7
<b>plaintiffs (1)</b> 5:3	62:1	<b>proceedings (1)</b> 86:4	11:11 12:4,5	<b>recall (19)</b> 7:12
<b>play (1)</b> 69:10	<b>practice (2)</b> 18:8	<b>process (1)</b> 22:6	12:18 13:3	9:3 12:23 16:1
<b>playing (1)</b> 69:20	67:14	<b>products (1)</b> 20:4	53:6 84:24	26:12 28:2
<b>please (7)</b> 4:24	<b>prank (1)</b> 70:24	<b>progressive (1)</b> 64:9	85:3	29:14 34:2
6:21 12:11	<b>prefer (1)</b> 56:11	<b>protect (1)</b> 72:3	<b>R</b>	37:3,5 38:15
13:5 56:14	<b>prep (1)</b> 78:23	<b>protocol (3)</b> 38:22 82:18,23	<b>r (4)</b> 2:1,4,9 86:1	39:16 45:21
73:15 83:16	<b>prepare (1)</b> 13:15	<b>provide (3)</b> 47:5	<b>race (5)</b> 69:11,16	46:3 50:14
<b>pocket (2)</b> 62:2	<b>preparing (1)</b> 14:11	47:12 48:5	69:20 70:7,13	71:19 76:2
70:22	<b>present (7)</b> 2:2	<b>provided (3)</b> 44:7 46:10	<b>raise (1)</b> 29:19	79:1 83:2
<b>point (10)</b> 11:21	4:10 18:8	47:24	<b>raised (1)</b> 31:1	<b>receive (2)</b> 61:8
12:9 37:11	60:7 72:9	<b>provides (1)</b> 56:12	<b>randy (3)</b> 24:12	78:18
58:21 59:1	<b>presentation (1)</b> 20:6	<b>providing (1)</b> 50:9	24:15 35:15	<b>received (10)</b> 8:6
60:17 66:2,2	<b>presented (1)</b> 29:23	<b>public (3)</b> 1:14	<b>reach (6)</b> 39:24	38:5 44:4 45:5
68:21 69:23	<b>president (2)</b> 15:6 21:6	74:16 86:16	58:11 65:24	58:5,13 59:8
<b>pointed (4)</b> 29:17,22 30:3	<b>pressure (1)</b> 39:15	<b>purpose (5)</b> 20:1	68:2,16 84:7	59:22 68:17
49:1	<b>preston (1)</b> 13:12	20:2,15,15,22	<b>reached (3)</b> 26:22 59:18	71:15
<b>pointing (2)</b> 29:16 31:4	<b>presume (1)</b> 25:19	<b>purposes (1)</b> 56:23	63:22	<b>receiving (4)</b> 36:11 45:21
<b>points (1)</b> 12:3	<b>pretty (3)</b> 10:9	<b>put (8)</b> 26:24	<b>reaches (2)</b> 64:20 67:19	55:20 64:18
<b>policy (7)</b> 23:17	40:8 77:13	36:18 39:3	<b>reaching (2)</b> 20:23 44:24	<b>recess (1)</b> 56:5
63:7 64:9 72:3	<b>previous (2)</b> 15:17 51:23	52:13 62:1	<b>read (10)</b> 56:15	<b>recognize (1)</b> 57:10
75:2 76:15		68:13 70:22	58:6 60:20	<b>recommenda...</b> 25:1
79:16			71:16 73:15,20	<b>recommended...</b> 62:6
<b>political (2)</b> 53:8			74:4,8,8 76:10	<b>record (8)</b> 5:2
53:11			<b>reading (3)</b> 4:2	13:6 15:13,14
<b>position (9)</b> 6:6				44:17,20 49:24
13:17 15:4,18				56:7
16:24 20:16				<b>recruiting (1)</b>
24:17 27:16				

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ALEXIS FOREMAN

97

17:2	43:1 53:3,10	<b>resource (1)</b>	50:11 57:22	14:18 47:7
<b>redners (22)</b> 1:7	54:5,9 55:8,20	21:21	<b>right (47)</b> 9:23	48:17 50:24
5:18 6:4,7,10	55:24 59:19,24	<b>resources (7)</b>	10:6 11:18	57:13 67:23
6:15 7:1,7 8:24	60:3 61:14,16	15:6,9 18:10	12:9,18 13:5	78:15
10:12 13:21	65:13 66:19	20:23 21:6	15:1 21:3 24:6	<b>saturday (2)</b>
15:2 16:20	69:14 70:3	25:1 42:13	24:23 25:19	14:3 19:21
18:21 23:17	71:12 72:16	<b>respond (2)</b> 51:2	33:10 34:8	<b>saying (5)</b> 11:2
25:24 26:2	83:19 84:13	84:3	37:20 42:21	26:23 30:9
39:8 64:8 75:2	<b>remind (1)</b> 10:6	<b>responded (2)</b>	44:8,18 46:18	45:24 62:20
76:14 79:16	<b>remote (2)</b> 1:10	52:9 78:15	47:4 49:23	<b>scheduled (3)</b>
<b>reference (1)</b>	10:14	<b>responding (2)</b>	52:17 53:17	18:17 26:20,21
56:23	<b>remotely (2)</b> 2:2	11:10 84:2	54:22 55:4,13	<b>schedules (1)</b>
<b>referenced (1)</b>	4:11	<b>response (4)</b>	56:20 57:1	41:12
3:11	<b>repeatedly (1)</b>	11:16 13:21	58:5 60:2 65:2	<b>schlegel (1)</b>
<b>referencing (2)</b>	61:22	41:6 83:24	66:3 68:9 72:2	50:13
64:23,24	<b>report (8)</b> 8:14	<b>responses (1)</b>	73:23 74:4,6	<b>screen (3)</b> 56:10
<b>referring (2)</b>	21:4,9 28:7,11	10:18	74:10 75:17	56:13,21
62:19 67:11	28:12,14 74:4	<b>responsible (1)</b>	76:8 77:2,4	<b>scroll (2)</b> 56:14
<b>refrain (1)</b> 11:10	<b>reported (3)</b>	84:1	79:13 80:6,18	57:5
<b>refused (1)</b>	59:13 70:17	<b>rest (1)</b> 73:16	81:16 83:15	<b>seafood (1)</b> 35:5
81:14	71:23	<b>restroom (1)</b>	84:22	<b>sealing (1)</b> 4:3
<b>regard (2)</b> 61:13	<b>reporter (5)</b> 4:7	11:21	<b>rk (1)</b> 1:22	<b>second (5)</b> 10:4
66:16	4:23 10:16	<b>result (2)</b> 6:10	<b>rkreporting (1)</b>	18:7 24:14
<b>regarding (5)</b>	85:5 86:24	31:19	1:24	52:10 83:16
10:11 29:22	<b>reporting (5)</b>	<b>results (1)</b> 59:13	<b>road (2)</b> 2:5	<b>section (1)</b> 73:15
33:7 48:14	1:22,22 4:11	<b>return (1)</b> 33:11	13:12	<b>see (11)</b> 10:14,17
70:24	21:10 72:14	<b>returned (1)</b>	<b>robert (2)</b> 8:5	33:22 37:6
<b>region (1)</b> 19:8	<b>reports (1)</b> 20:9	83:3	21:5	55:19 65:8
<b>regions (1)</b> 19:5	<b>represent (1)</b>	<b>returning (1)</b>	<b>robin (5)</b> 1:13	67:24 73:11
<b>regular (1)</b> 23:3	5:17	39:2	10:22 11:3,8	74:2,16 80:13
<b>relate (1)</b> 67:21	<b>reproduction (...)</b>	<b>review (9)</b> 13:21	86:13	<b>seeing (2)</b> 34:2
<b>related (3)</b> 37:18	86:21	14:1,5,7 47:15	<b>roles (3)</b> 16:14	46:14
39:14 51:12	<b>request (5)</b> 22:4	57:6 58:6 83:6	21:3,20	<b>seek (2)</b> 23:13,15
<b>relations (10)</b>	35:21 36:16	84:19	<b>room (6)</b> 55:2	<b>seeking (1)</b> 27:4
6:8 15:5,8,19	42:15,16	<b>reviewed (2)</b>	74:13,15,18	<b>selbyville (1)</b>
16:14 17:4,17	<b>requested (4)</b>	13:16 68:1	75:16 76:5	1:23
18:9 20:12,17	35:3,6 41:16	<b>reviewing (3)</b>	<b>rounds (1)</b> 25:14	<b>select (1)</b> 19:19
<b>religious (2)</b>	42:19	13:19 73:19	<b>rpr (3)</b> 1:14	<b>send (4)</b> 42:16
53:7,11	<b>requests (2)</b> 35:6	84:13	86:13,15	45:8 82:17,21
<b>relying (1)</b> 62:23	41:14	<b>reword (1)</b> 12:11	<b>S</b>	<b>sense (1)</b> 40:18
<b>remember (30)</b>	<b>rereading (1)</b>	<b>rhoton (9)</b> 47:9	<b>s (2)</b> 2:1 3:13	<b>sent (2)</b> 39:21
16:12 17:12	71:8	47:10,12,19	<b>sales (5)</b> 75:6,11	83:4
33:14,19 34:4	<b>reserved (1)</b> 4:5	58:3,17,19	75:14,18 76:4	<b>separate (1)</b> 39:4
37:11 38:17	<b>resolved (2)</b> 7:17	59:2 71:1	<b>sandra (8)</b> 9:19	<b>separated (1)</b>
39:18 42:12	7:18	<b>rhotons (2)</b>		43:6

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98

<b>separation (3)</b> 10:12 25:24 43:14	<b>showed (1)</b> 64:2 <b>shown (1)</b> 56:18 <b>side (1)</b> 20:8	37:3 46:21 47:10 48:3 50:12 58:23	13:6 <b>stated (4)</b> 15:18 47:10 49:12	19:1 20:4,5,9 20:10,10 21:17 22:20,24 23:15
<b>september (6)</b> 49:1 66:16,21 69:1 70:21 71:10	<b>significance (1)</b> 79:11 <b>signing (1)</b> 4:2 <b>sink (10)</b> 54:15 54:19 78:3,6,9 78:10,19,21 79:13 80:11	59:1,4 69:18 80:16 <b>speaking (4)</b> 30:11 60:4 70:4,5	66:11 <b>statement (43)</b> 3:13 13:17,21 44:4,7 45:5 46:14 47:12,24 48:5,7 50:11 52:6 57:13,21 57:22,23,24 58:2,14,20 60:14,16 66:7 67:24 68:17,22 70:11,21 71:8 71:14 73:16 76:11 77:5 79:12 81:13,18 81:20 83:18,21 83:24 84:5,11	23:18 24:1,24 25:7 26:18,22 27:5,19 28:6 28:10,13 33:24 34:1,18,19 35:3 39:9 46:9 47:20 65:23
<b>service (1)</b> 34:24 <b>services (1)</b> 1:22 <b>session (1)</b> 10:9 <b>set (1)</b> 74:23 <b>severity (2)</b> 22:18 64:15	<b>sir (1)</b> 59:3 <b>sit (1)</b> 66:15 <b>sitdown (1)</b> 66:20 <b>sitting (5)</b> 67:23 71:13 80:20 81:18 82:2	<b>specialist (1)</b> 67:4 <b>specialties (1)</b> 35:4 <b>specific (5)</b> 7:3 20:11 26:19 38:23 53:10	52:6 57:13,21 57:22,23,24 58:2,14,20 60:14,16 66:7 67:24 68:17,22 70:11,21 71:8 71:14 73:16 76:11 77:5 79:12 81:13,18 81:20 83:18,21 83:24 84:5,11	<b>stores (11)</b> 18:23 19:19,20,22,24 20:16 25:15 35:16 67:5,6 74:22
<b>sexual (11)</b> 7:5 8:19 45:17 46:1,5 51:13 51:20 61:17 63:7 71:1 72:19	<b>situation (4)</b> 64:10,19 77:17 80:3 <b>situations (3)</b> 22:22,24 62:12	<b>specifically (10)</b> 28:2 33:14 35:13 37:5,13 43:10 46:3 53:19 61:15,16	<b>statements (12)</b> 45:8,12 46:6 46:19,22 47:6 59:8,17,22 60:5 77:1 84:7	<b>street (1)</b> 2:5 <b>stretch (1)</b> 11:22 <b>struggling (1)</b> 27:2
<b>shades (5)</b> 49:3,9 51:12,19 52:9 <b>share (5)</b> 39:12 48:13 49:11 56:9,11	<b>six (10)</b> 18:15,18 19:4,12,14,15 19:18,20,21,24	<b>specifics (1)</b> 27:23 <b>spell (2)</b> 6:20 28:17	<b>states (3)</b> 1:1 23:4 64:13 <b>stating (2)</b> 5:1 29:14	<b>subject (3)</b> 40:7 80:13 81:21
<b>shared (1)</b> 49:7 <b>sharing (1)</b> 56:20	<b>slough (11)</b> 6:19 6:23,23 7:1,6 8:15 9:6,17,21 9:24 16:10	<b>spent (1)</b> 31:7 <b>spoke (8)</b> 14:12 15:16 47:18,20 59:16 66:23 69:21 77:19	<b>stations (1)</b> 18:24 <b>stay (1)</b> 53:20 <b>stayed (1)</b> 39:8 <b>stenographic (1)</b> 86:6	<b>submitting (1)</b> 42:14 <b>submitted (2)</b> 84:17,18
<b>shaun (2)</b> 47:9 58:17 <b>shauns (1)</b> 70:22 <b>shed (2)</b> 35:10 36:5	<b>solely (1)</b> 4:22 <b>somebody (1)</b> 78:7 <b>soon (1)</b> 17:9 <b>sorry (12)</b> 14:6 30:1 37:24 38:18 40:14 43:11 44:3 51:14 53:24 61:20 67:23 78:23	<b>spoken (1)</b> 62:16 <b>staffing (2)</b> 35:9 35:16 <b>stamp (2)</b> 66:14 73:12 <b>stamped (1)</b> 56:22 <b>stand (1)</b> 11:21 <b>start (2)</b> 16:19 21:10 <b>started (7)</b> 16:23 26:1,9 45:10 47:2 49:13 71:17 <b>starting (1)</b> 5:22 <b>state (3)</b> 7:11,12	<b>stating (2)</b> 5:1 29:14 <b>stations (1)</b> 18:24 <b>stay (1)</b> 53:20 <b>stayed (1)</b> 39:8 <b>stenographic (1)</b> 86:6 <b>stepping (1)</b> 36:15 <b>steve (5)</b> 26:22 29:2 30:15 34:19 35:22 <b>stop (6)</b> 61:22 62:16,19,24 73:7 74:1 <b>store (36)</b> 9:6,9 18:3,10,14,20	<b>subject (3)</b> 40:7 80:13 81:21 <b>subjecting (1)</b> 80:24 <b>submitted (2)</b> 84:17,18 <b>submitting (1)</b> 42:14 <b>subsequent (1)</b> 42:24 <b>subsequently (1)</b> 60:11 <b>suffering (1)</b> 39:13 <b>suggest (1)</b> 52:12 <b>suggested (2)</b> 53:14 61:20 <b>suggesting (1)</b> 34:19 <b>suit (1)</b> 6:9 <b>suite (1)</b> 2:5 <b>sunday (2)</b> 14:3 19:22 <b>supermarkets ...</b>
<b>shes (5)</b> 40:19 52:19 62:13 67:8,11 <b>shifting (1)</b> 35:1 <b>shook (1)</b> 32:13 <b>short (5)</b> 22:5,9 41:18 45:20 56:8 <b>shortly (1)</b> 45:6 <b>shouted (1)</b> 80:10 <b>show (2)</b> 56:8,13	<b>sound (3)</b> 43:7 44:8 50:17 <b>sounds (1)</b> 39:23 <b>speak (13)</b> 11:7 14:10 33:21			

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ALEXIS FOREMAN

99

18:22 19:11 <b>supervision (1)</b> 86:23 <b>supervisor (5)</b> 28:5 29:2 35:8 67:6,18 <b>supervisors (1)</b> 19:19 <b>supposed (1)</b> 52:19 <b>sure (16)</b> 7:5 10:8 20:5 21:2 33:13 34:1 35:8 36:3 51:21,21 56:10 63:2 67:4 74:21 77:21 78:16 <b>suspended (1)</b> 83:6 <b>sworn (1)</b> 5:10 <b>symptom (1)</b> 39:1	48:15 61:16 63:8 68:7 72:17 <b>talks (3)</b> 49:12 49:17 66:17 <b>technique (1)</b> 31:11 <b>tell (4)</b> 39:17 45:15 46:18 82:20 <b>telling (1)</b> 53:19 <b>tells (1)</b> 12:6 <b>ten (1)</b> 17:5 <b>term (4)</b> 22:5,9 26:17 41:18 <b>terminate (8)</b> 24:2,20 43:17 44:13,19 63:5 63:12 64:4 <b>terminated (6)</b> 24:9 25:2 43:13 55:10 62:6 82:4 <b>termination (12)</b> 24:5 43:10 44:11,17 45:24 55:13 63:19,23 64:14 69:23 83:8,10 <b>terms (2)</b> 7:3 58:10 <b>testified (2)</b> 5:10 79:3 <b>testify (1)</b> 8:11 <b>testimony (5)</b> 4:15 78:7,8,9 78:16 <b>thanks (2)</b> 85:3 85:3 <b>thats (26)</b> 8:7 10:15 11:2 19:16,16 23:16 34:13 37:8 40:5 42:15 46:16,17,23	52:10 54:16 56:12 63:15 66:10 67:9 71:23 74:15 75:12 78:8 79:7,8,9 <b>theres (8)</b> 11:23 19:18 20:11 22:13 62:4 64:4 74:19 78:5 <b>theyre (4)</b> 72:4 72:15 74:23 76:24 <b>thing (4)</b> 11:5,23 12:14 57:6 <b>things (5)</b> 17:8 36:2 41:2 45:19 66:16 <b>think (12)</b> 13:1 28:2 36:5 52:20 53:7 66:9 67:11 68:12 79:7,23 81:3 83:5 <b>thinking (2)</b> 60:3 63:14 <b>third (1)</b> 73:9 <b>thought (5)</b> 28:9 40:17 79:9 81:12,23 <b>three (10)</b> 6:1 10:7 15:17,20 16:3,4,15 24:12 60:23 65:4 <b>threw (9)</b> 54:15 54:19 55:5 76:7,22 77:20 77:24 79:4 80:10 <b>throw (1)</b> 54:22 <b>throwing (5)</b> 55:2 76:11 79:24 80:17	81:21 <b>thrown (1)</b> 81:9 <b>throws (1)</b> 79:11 <b>time (51)</b> 4:6,19 5:23 6:7 7:23 8:1,4 11:7,16 12:20 16:21,23 18:2,6 20:13 25:6,11 26:13 27:8,13,14 28:5 29:7 31:7 31:12 32:5 37:17 38:1,10 40:19,21,23 41:11,16 45:9 45:20,22 54:4 58:18 59:24 62:5 67:21,22 68:4,17 74:5 79:4 81:7 82:14 83:22 84:23 <b>timeframe (3)</b> 16:2 17:6 72:10 <b>times (4)</b> 18:15 19:4,12 67:17 <b>tired (1)</b> 73:7 <b>title (1)</b> 83:12 <b>today (13)</b> 12:22 13:3 14:4,5,8 14:16 37:8 56:9 71:13 73:3 80:21 81:18 82:3 <b>todays (2)</b> 13:15 14:11 <b>told (4)</b> 27:3 62:23 75:17 82:14 <b>tolerate (1)</b> 62:14 <b>tonight (1)</b> 14:7 <b>top (1)</b> 57:14 <b>tossed (3)</b> 78:9	78:21 79:13 <b>total (1)</b> 19:13 <b>toy (1)</b> 48:16 <b>training (3)</b> 17:2 24:18 35:17 <b>transcribed (1)</b> 4:22 <b>transcript (4)</b> 4:21 85:6 86:7 86:21 <b>transfer (6)</b> 35:3 35:11,14,21,24 36:13 <b>transferred (5)</b> 34:10,17 36:7 36:21,23 <b>transpired (2)</b> 70:1 73:11 <b>travel (4)</b> 18:10 18:13 19:3,10 <b>treated (4)</b> 29:12 69:16 70:6,12 <b>treating (1)</b> 29:9 <b>trial (3)</b> 4:6 7:14 7:17 <b>tried (1)</b> 32:10 <b>truly (1)</b> 16:11 <b>trump (2)</b> 53:12 53:13 <b>truthful (1)</b> 69:5 <b>truthfully (1)</b> 13:3 <b>try (6)</b> 11:6,15 17:10 19:3 52:1 68:2 <b>trying (5)</b> 30:10 31:9 46:11 51:16 78:10 <b>two (4)</b> 15:9 39:22 60:1 65:4 <b>type (11)</b> 7:4 11:8 21:23,24 23:12 38:24 61:7,17 62:15
<b>T</b>				
<b>t (2)</b> 86:1,1 <b>take (10)</b> 11:20 12:1 40:9,19 40:23 41:7 42:9 67:18 73:8 83:9 <b>taken (1)</b> 86:6 <b>talk (11)</b> 14:15 14:18 51:16 60:5 61:13 68:23 69:24 73:10 75:20 80:12,17 <b>talked (8)</b> 21:18 22:12 35:22 38:13 61:15 76:6 80:15 85:9 <b>talking (8)</b> 17:8 27:9 31:7				

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## ALEXIS FOREMAN

100

<b>typed (1)</b> 10:16	<b>unemployemen...</b>	<b>voice (2)</b> 29:19	<b>westview (1)</b>	41:6
<b>types (4)</b> 7:24	54:6,11 55:16	31:2	2:10	<b>worried (1)</b> 39:2
53:8,15 61:24	78:23 79:5,9	<b>volume (1)</b> 37:22	<b>weve (1)</b> 85:8	<b>wouldnt (7)</b>
<b>typical (3)</b> 46:17	<b>unfair (1)</b> 30:7	<b>vp (6)</b> 15:8,19,24	<b>whats (5)</b> 11:12	50:19 71:20
82:18,23	<b>unfairly (1)</b> 70:7	16:15 18:9	23:8 24:15	72:7 77:4,7,22
<b>typically (8)</b>	<b>unfortunately ...</b>	20:18	46:9 72:9	80:4
19:17,18 22:1	41:9 62:11	<b>vs (1)</b> 1:5	<b>whatsoever (1)</b>	<b>wrapper (2)</b>
35:6 37:8	<b>united (1)</b> 1:1		36:20	31:6 37:1
46:23 67:19	<b>unusual (1)</b> 77:1	<b>W</b>	<b>whos (1)</b> 72:14	<b>write (15)</b> 10:22
83:11	<b>upset (2)</b> 51:1	<b>waive (1)</b> 4:18	<b>willing (1)</b> 60:15	11:3 23:6 48:7
<b>U</b>	76:24	<b>waived (1)</b> 4:4	<b>witness (20)</b> 3:2	58:20 60:15
<b>uhhuhs (1)</b>	<b>use (2)</b> 11:21	<b>walk (1)</b> 33:24	4:10,14 9:13	68:10 76:21,22
10:24	52:14	<b>walked (1)</b> 61:2	27:12 40:12,14	76:24 77:3
<b>uhuhs (1)</b> 11:1	<b>usually (2)</b> 23:13	<b>wall (1)</b> 55:3	41:22 46:14	83:11,14 84:5
<b>unaware (1)</b>	23:15	<b>want (10)</b> 12:10	48:23 61:10	84:7
82:15	<b>V</b>	18:7 35:24	62:8 69:7	<b>writes (7)</b> 65:4
<b>understand (16)</b>	<b>vacation (2)</b> 8:1	41:7 52:21	70:15 71:19	65:10 66:13
11:1 12:10	8:4	56:8,13,14	77:7 78:2	68:24 69:5,9
17:12 25:23	<b>vance (3)</b> 1:14	62:20 78:21	79:20 81:2	73:24
26:9 34:9	85:4 86:13	<b>wanted (5)</b> 16:8	85:14	<b>writing (2)</b> 67:9
36:24 37:16	<b>variety (2)</b> 46:7	29:6 31:14	<b>witnesses (3)</b>	70:10
43:5 46:12	46:7	35:5 36:3	46:20,22 47:9	<b>written (1)</b> 43:2
50:15 51:4	<b>verbally (2)</b> 4:14	<b>wants (1)</b> 70:22	<b>word (1)</b> 53:19	<b>wrong (1)</b> 74:7
83:7,17 84:6	10:19	<b>warnersville (1)</b>	<b>words (1)</b> 54:10	<b>wrote (2)</b> 81:13
84:17	<b>verify (1)</b> 63:15	13:12	<b>work (14)</b> 9:7	81:17
<b>understandin...</b>	<b>versus (1)</b> 22:24	<b>washing (1)</b>	14:9 17:18	<b>wyomissing (1)</b>
6:24 7:19	<b>vice (2)</b> 15:6	61:21	23:3 27:2	2:10
22:19 23:17,24	21:5	<b>wasnt (5)</b> 7:23	30:21 32:15	<b>X</b>
24:24 27:7	<b>videoconferen...</b>	31:6 32:5	40:10 41:8,11	<b>x (1)</b> 3:1
28:4 29:6 32:7	1:10	66:24 78:10	41:17 63:9	<b>xi (1)</b> 86:14
33:5 44:6 46:8	<b>view (1)</b> 74:16	<b>watched (1)</b> 49:9	72:12 83:4	<b>Y</b>
49:15 50:24	<b>violence (1)</b>	<b>way (10)</b> 11:16	<b>worked (7)</b>	<b>yeah (15)</b> 27:12
52:4,7 60:8	79:17	19:17 32:6,9	17:22 18:3	41:22 51:15
70:10 74:20	<b>visit (6)</b> 21:2	40:15 64:4	25:8,23 33:12	52:1,10 53:21
75:1,8,12,15	25:10,17 26:18	65:11 69:3	37:1 46:16	55:3 66:9
76:5 77:15,18	33:11 37:3	74:18 80:7	<b>working (9)</b>	68:23 71:19
78:11,13 81:15	<b>visited (1)</b> 25:7	<b>weekend (10)</b>	16:19 26:1,10	74:7 77:7
82:12	<b>visiting (4)</b>	7:23 18:17,19	27:24 33:21	78:20 79:20
<b>understood (12)</b>	18:18 19:23	19:6,16 21:2	36:9 37:17	81:22
10:23 11:19	20:15 37:12	25:8 33:18,20	38:3 64:17	<b>year (7)</b> 17:13
12:7,8,16	<b>visits (8)</b> 19:14	37:2	<b>workplace (6)</b>	18:16,18 19:4
16:13 30:18	19:15 20:5	<b>weekends (2)</b>	62:4 64:21	19:12,14,15
32:6,9,11,17	21:17 33:18,20	18:18 19:18	68:8 71:22	<b>years (12)</b> 6:2
83:15	37:2,3	<b>went (3)</b> 40:15	79:17,17	
		52:11 78:6	<b>works (2)</b> 19:18	

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ALEXIS FOREMAN

101

10:8 15:18,20 16:3,4,11,15 17:5,9 25:24 64:18 <b>yelled (1)</b> 74:1 <b>yelling (5)</b> 50:22 51:3 75:3,9 79:24 <b>youd (1)</b> 57:6 <b>youre (12)</b> 6:14 11:1,5 15:1 17:7 19:23 20:23 25:14 44:20 60:2 73:17 75:22 <b>youve (2)</b> 18:2 74:14	<b>19 (1)</b> 33:15 <b>19020 (1)</b> 2:5 <b>19565 (1)</b> 13:13 <b>19610 (1)</b> 2:10 <b>1997 (2)</b> 16:22 16:23 <b>19975 (1)</b> 1:23 <b>1st (4)</b> 44:3 45:5 47:8 59:23	<b>247 (1)</b> 13:12 <b>2640 (1)</b> 2:10 <b>27 (1)</b> 1:12		
<b>Z</b>	<b>2</b>	<b>3</b>		
<b>zoom (2)</b> 56:15 56:16	<b>2 (2)</b> 1:6,13 <b>20 (1)</b> 37:12 <b>2010 (1)</b> 17:17 <b>2015 (2)</b> 17:17 17:24 <b>2017 (1)</b> 26:3 <b>2019 (11)</b> 26:14 26:16 27:17 28:21 32:18,19 32:24 33:1,15 34:9 37:12 <b>2020 (38)</b> 16:17 18:7 21:15 25:17 38:5 39:7 42:4,18 42:23 43:1,3,6 43:11 44:8,12 47:2 50:17 51:7,16 52:3 53:1,4 55:6,20 56:2 57:15,19 59:21 66:5,21 68:1 71:2,6,7 71:15 73:11 74:12 81:8 <b>2021 (1)</b> 83:18 <b>2022 (1)</b> 1:12 <b>2156390801 (1)</b> 2:6 <b>2159467009 (1)</b> 1:24 <b>21cv04785wb ...</b> 1:6 <b>24 (1)</b> 39:1	<b>4 (1)</b> 73:17 <b>45 (1)</b> 18:22		
<b>0</b>	<b>5</b>	<b>5 (2)</b> 3:4 44:12 <b>50 (5)</b> 49:3,9 51:12,19 52:8 <b>56 (1)</b> 3:13 <b>5th (5)</b> 44:3,13 44:23 70:21 71:10		
<b>02131 (1)</b> 86:14 <b>08 (1)</b> 1:13	<b>6</b>	<b>6103706700 (1)</b> 2:11 <b>63 (1)</b> 65:23		
<b>1</b>	<b>7</b>	<b>7th (4)</b> 44:14,16 44:21,23		
<b>1 (23)</b> 44:7 47:2 50:17 51:7,16 52:3 53:1,4 55:6,20 56:2 57:15,19 59:21 66:5 68:1 71:2 71:6,7,15 73:11 74:12 81:8 <b>10 (3)</b> 18:24 66:21 67:5 <b>10120 (1)</b> 3:13 <b>1052019 (1)</b> 43:11 <b>10th (2)</b> 66:16 69:1 <b>12 (2)</b> 18:22 67:5 <b>128 (1)</b> 2:5 <b>18 (1)</b> 83:18	<b>8</b>	<b>817327 (1)</b> 86:15 <b>82522 (1)</b> 86:18		
	<b>9</b>			

# EXHIBITS

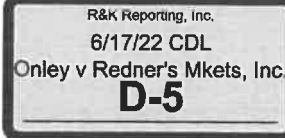
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Date: June 27, 2022

Connie Onley v. Redner's Markets, Inc.

No.: USDC EDPA 21-4785

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Oct 1, 2020

I Sandra McGorry have approached Carl Store General manager approx. 2-3 month ago about an issue my Name was brought into by Connie (Seafood Clerk in Meat Dept) about how she feels herself and I are being discriminated against because we are females in the Dept. When I was approached by Meat Dept. Manager about this concern I was caught off guard because by no means do I feel this way at all. And I expressed to Marcos and Carl I do not want my Name in anyway in this. I'm assuming action may have been taken or at least I would hope.

Things have not calmed down and I am constantly on guard with Connie as I've been approached for a second time by Marcos on the above statement.

I just had a sit down with Dave Kemp approx. September 10<sup>th</sup> in regard to Connie about things she talks about in the meat



Dept. that I don't feel comfortable with. I expressed to Dave that I don't like how Connie continues to play the Race card, age card, and once again that myself and Connie we discriminated against because we are females. I expressed to Dave I do not feel that way at all.

Approx on Sept. 5th Connie made a statement to me that she wants to put a dildo in Shawn's coat pocket. I advised her it's not a good idea. A few days later Connie in front of several co-workers in the meat Dept. bluntly said how she uses sexual toys and enjoys them. I clearly said out loud I don't care and walked away.

Approx. Sept 25th I was making sausage for the meat case and was almost done when Connie came next to me and explained to me she watch 50 Shades of Gray. I turned and said oh that's my second favorite movie. Connie then very loudly says the movie got

me in such a mood I pulled my dildo out and used it. I looked at her and said I don't care. I then turned and did not realize Shawn was present for the conversation that just took place and was just as shocked as I was.

Later that afternoon I was waiting to use the wrapper to wrap meat. As Shawn was using it @ the time all of a sudden Connie calls my name and says to me All you need is hot water and sanitizer to clean it. I turned and said what are you talking about she laughed and says my sex toy. Shawn leaves room and I clearly said I don't care.

OCT. 1<sup>st</sup> 2022 I was doing dishes and Connie started talking about how white TRUMP supporters are causing all the riots in America and how there is no such thing as a flat ear and it's only the TRUMP supporters causing the issues. I looked at Connie and clearly said enough stop I don't want to hear it. Connie continues

with other Harris in regards to it's all the white people doing this, I at that time lost it screamed loudly at her I don't care I don't want to hear any more stop it. Walked / Stormed out of meat Dept. Connie followed me I yelled again I don't fucking care stop it. I was very angry I asked to go out the Receiving door to escape AS Connie was behind me I went out back to get my mind clear and to calm down Connie then follows me outside and I screamed at her to go away leave me alone and I walked up the back side of the building took a few minutes to calm down then came back into building where I was met by Jim assistant and then walked to office to write up the statement.

Sandra McElroy  


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KS - MSJ 0001103